ICANN
Transcription
GNSO New gTLD Subsequent Procedures Working Group
Tuesday, 27 August 2019 at 03:00 UTC
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https://icann.zoom.us/recording/play/Cthx4KVphQ3oLdj321KTMVisLsapYrMmt1pmk0Q unXg8X-EvnIIgNSbGFTP7rugL
Zoom recording:
https://icann.zoom.us/recording/play/xgaNd1UZWfhXvoNOobedmS5nGKYA6Z82KJG3 MCiKj5sLvQiIdm6fcwms9PouzSXr
Attendance of the call is posted on agenda wiki page:
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JULIE BISLAND:	Alright. Welcome, everyone. Good morning, good afternoon, and good evening. Welcome to the new gTLD Subsequent Procedures Working Group call on Tuesday, the 27th of August 2019 at 03:00 UTC.
	In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. And I just want to remind everyone to please state your name before speaking for transcription purposes, and also please keep phones and microphones on mute when not speaking to avoid any background noise. With this, I will turn it over to Jeff Neuman. Thank you, Jeff.

JEFF NEUMAN:	Thank you, Julie. Welcome, everyone. We have the agenda up on the screen at this point. And like most of the other agendas, the primary topic or actually the primary task for us will be to continue on the review of the next several subjects. That includes string similarity and Internationalized Domain Names. We also will get into a little bit of the schedule for ICANN66, so if someone can please let me know when there's about 10 minutes left in the call just so we can make sure that we cover that. But first, let me ask if there are any updates to Statements of Interest?

Okay, I'm not seeing any. If everyone could just please remember to mute your microphone when you're not speaking, that'll be great. One other thing, just to respond – let me see if actually Anne is on the call, maybe not. But Anne did have a question on the – we're putting together a status chart of all of the applications where they are at this moment. We've done a status chart, we're just checking on a little bit of the information but it should be available on Google Docs starting tomorrow. I don't know if we can just show it really quickly just to show everyone what it will look like. We're going to put it on Google Doc so that we can update it and we don't have to send around Excel files.

So, essentially it's this. There's basically three different categories color coded. So if it is green that means that it's moved on to being in contracting, and so therefore you see .KIDS and then I think there's .MUSIC, which are still in contracting. If something's crossed out, it means that they've withdrawn their application, and so that those should be green.

The gray is where the TLD string is still in some sort of limbo either because it's in a contention set or I should say actually more likely because it's in some accountability mechanism, so like .WEB and .AMAZON, the three Amazon strings, the .AMAZON and the two IDNs are gray because they are still pending. We call it the accountability mechanism but in reality it's just pending Board resolution.

Then we have the orange-ish color which indicates that the application has been resolved or the contentions has been resolved, but for whatever reason the losing party in the contention set didn't withdraw or where there's been let's say a Board resolution where a [cold corp] in e-mail will not proceed in this round, where none of the applicants have withdrawn their applications. So, that's kind of in the orange.

So, you'll notice that we're getting down to the wire. There's not a huge number of applications that are left but we'll continue to keep this updated. Any questions on this chart before we move on? Okay. As we said, we'll post the Google link tomorrow after we just verify one or two quick things, make sure we got [that right].

Okay. So, I think we can get started on string similarity. Let's just give it a second to get that pulled up. There we go. There were a number of discussions on string similarity but they primarily focused, as you'll see, on the singulars and plurals. Sorry, for some reason I'm not seeing the document. Is that just me?

CHERYL LANGDON-ORR: No, it's not just you. The screen share is gone for some reason.

JEFF NEUMAN: Ah, okay. So if we can just get that. Great. Thanks, Julie.

We dealt with this in our Community Comment #2. We had some information on this in the initial report, and of course we analyzed the public comments we got back in Subgroup B. The policy goal is still in line with how the GNSO policy worked in 2007, ratified in 2008, which is that strings must not be confusingly similar to an existing top level domain. We believe that this continues to be an appropriate policy objective. This issue relates to a recommendation from the CCT Review Team which talks about – well let me just read it. It's Recommendation 35 where the CCTRT stated that the sub-pro PDP should consider adopting new policies to avoid the potential for inconsistent results in string confusion objections. In particular, the PDP should have consider the following possibilities and the first two we'll be dealing with now, the third one we'll likely deal with under a different section. But the first one was determining through the initial string similarity review process that singular and plural versions of the same gTLD string should not be delegated, and number two, avoiding disparities in similar disputes by ensuring that all similar cases of plural versus singular strings are examined by the same expert panelist.

If we adopt our high-level agreement on plurals and singulars, number two may not be an actual issue. Number three I should read even though we're not going to discuss this now, but the CCT RT also have a recommendation to include a post dispute resolution panel review mechanism. I think we'll address some of that topic under the section for accountability mechanisms. I can't because the screen is too narrow

online. I forgot what section that is but it's the section that deals with accountability mechanisms. It says in the Google Doc.

Okay. So, from a high-level agreement, the comments generally supported adding detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was area where there was insufficient clarity in the 2012 round. Specifically, we believe we have high level agreement on prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion. For example, the TLDs .CAR and .CARS could not both be delegated because they would be considered confusingly similar.

Now, this is talking about in the future – obviously we know that plurals and singulars were allowed in 2012. This rule – because we do have jurisdiction, [inaudible] anything from a previous round, this would not be impacting the 2012 round but only moving forward.

The second area where we believe there's high-level agreement is that expanding the scope with string similarity review to encompass singulars/plurals of TLDs on a per language basis. If there's an application for the singular version of a word and an application for a plural version of the same word in the same language during the same application window, these applications would be placed in the contention set because they are confusingly similar. An application for a single/plural variation of an existing TLD would not be permitted. Application should not be automatically disqualified because of a single letter difference within existing TLD. For example, .NEW and .NEWS

should both be allowed because they are not singular and plural versions of the same word.

This again seems to get a lot of support. Not uniform support. We'll go over some of the concerns that were expressed and we'll see if we can address those in a little bit. But also it seems like there was high-level agreement that using a dictionary to determine the singular and plural versions of the string for the specific language is also recommended. What that dictionary, which one we'll use I guess could be an implementation decision at a later point, but it seems like using some standardized reference to determine singulars and plurals and that one that was known to applicants and end users would be a good idea.

There are also a number of comments that supported eliminating the use of the SWORD Tool in subsequent procedures. In fact, all of them I think seemed to indicate that SWORD was not an acceptable tool. There is one comment from the ALAC, which we'll talk about which does advocate for a new tool if we don't use SWORD, but we'll get into that.

Comments also generally support the idea that it should not be possible to apply for a string that is still being processed from a previous application opportunity. This last bullet, even though it's in the section that was in the section for the initial review has already been discussed – and if you had been reading your e-mails from the list today or yesterday, depending on when you got it, you'll see that there's still some discussion going on about that. We're not going to talk about that today because it does relate to the other topics we've already discussed and will be discussing, but just note that the comments are in this section.

Before we move on to the outstanding items and the concerns and new ideas, any questions or comments on the plural/singular issue or anything we've talked about so far? Okay. Good. That seems like we then understand and we can then move on to some of the outstanding items.

This first one I think we take a little bit of time to just go through. I've read it a couple of times, to be honest, and I'm not 100% – I mean I understand what it says but always thinking of examples may help. But ICANN Org said that they want some more clarification concerning the requirements to use a dictionary to determine singular/plural form of a word which limits the singular/plural determination through a single language and not script and concerns about the different ways that language is formed plurals; consider whether the contention set should be expanded to the languages of the users rather than languages identified by the applicant; consider whether to expand the confusability assessment to other forms of inflection beyond pluralization; consider how the rules in this preliminary recommendation may be applied to labels that are not words in a language; consider sub-categorizing different forms of string similarity evaluation; and consider string similarity in the context of IDN variant TLDs, vis-à-vis string contention.

Alright. A lot here, so I would propose to take this one at a time. So, let's start with the first part of it which says that they would like clarification concerning the requirement to use a dictionary to determine singular/plural form of a word. which limits the singular/plural determination to a single language and not script and concerns about the different ways that languages form plurals.

Okay. I think that this issue is more of an implementation issue where to get ideas on an acceptable dictionary per language, I guess, would be probably the way to go but – sorry, someone just – okay, Emily just put into the chat, "The preliminary recommendation addresses string similarity evaluation and suggest prohibiting plurals and singulars." Okay, this is what our recommendation was. So, I'm trying to think actually, for all of these of examples as to why there were concerns expressed. Part of me and I put into the comments that things that that we're I think grasping at edge cases which aren't really likely and that there may be some edge cases that we might need to give discretion on because we're not going to be able to figure out every single situation. But I'm not sure what else to say on that first part. But if others have ideas, please do chime in. Sarmad, please.

SARMAD HUSSAIN: Thank you. I guess just further clarification on that, one of the challenges is that as far as the top-level domains are concerned, even though an applicant may suggest language of label, eventually when the user is looking at those labels, they may not actually relate to the same language. They may actually relate to a different language. So, for example, there may be a possibility that somebody applies for a label in English and then there is another applicant who applies for another label, let's say in Spanish. But those two labels, even though they're different, they may actually be singular/plural forms of the same label, for example, maybe in Spanish. So, how would a situation like that, for example, be resolved?

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So, I guess to summarize, an example would be that there are two strings which are from the applicant point of view belong to do different languages but they represent singular/plural form of the same word in one language. Thank you.

JEFF NEUMAN:

Okay. Thanks for that explanation. It makes sense at a high level. It would be great if we could think of some examples. But I think it comes down to the meaning and the way in which the TLD is to be used I think. So if one version of the TLD looks like it's a plural of another version but the intent is to use it with something very different, that could be a mitigating factor in the analysis. Because at the end of the day, I think this is one of those areas where if it a word, we're just trying to not allow the plural and singular versions of the same word in a language to be used for the same type of purpose.

So I don't know if there's language that we can put in that would clarify that. So if in the example you mentioned, the applicant for – or let's say it's two applications that the TLD doesn't exist, so we're looking to place them in contention sets. If the applicants have two completely different purposes where one purpose is not the plural or singular of the other, perhaps that may help with the evaluation. Does that make sense? It does require a little bit more looking into the application itself. Thoughts? Does that sound like a good idea? Sarmad, please. Thank you.

SARMAD HUSSAIN: Thank you. So, I think the main motivation is to prevent the end user confusion not to disambiguate the application itself. And I think that's really what I was also pointing out that even though the applications themselves can be disambiguated across languages, that doesn't necessarily disambiguate them from end user point of view. Thank you.

JEFF NEUMAN: Thanks, Sarmad. But the only way we can look out for the end user at the end of the day is to look at what the application says because they haven't launched their TLD yet. In this example, neither application has been processed. So, we have to look at the applicant's purpose in order to derive how end users may ultimately view that domain, if that makes any sense. So, I take your point, and of course at the end of the day we are trying to avoid confusion from the end users but that can only be derived from what the applications state.

It's new comments, sorry. I should scroll down here. So let me read these comments here.

This is from Justine: "@Jeff, but that may not diffuse end user confusion."

Paul is saying, "Are we talking about confusion at the use level rather than at the string level?"

Cheryl: "The clarification, however, by my reading is focused on the reference tool." Yes. So, Cheryl, I think that's right. I think we're also starting to permeate into the other areas in here.

To respond to Justine, understood. By looking at the applicant's purpose we're not necessarily preventing user confusion. That's true, but again that's the only thing we have at the point of application. We can't make an assessment as to whether there's a likelihood of confusion – sorry for using a trademark phrase – but we can't even assess the possibility of confusion unless we look at the purpose that the applicant has put to it.

Then to address Paul's comment – and he then actually has another comment – we're talking about confusion at the use level rather than at the string level. Yes, Paul. I think we are because there certainly are arguments that adding an S or an ES in the English language is not visually confusing if you just use that as your basis. So, we are talking about confusion at the use of or trying to prevent confusion at the use level rather than the string level.

Paul says, "I'm not sure how an errant/typo e-mail would end up in the right place because of what is in an application." Okay. I take that point. But at least an errant/typo e-mail that's received by two things that are really plural and singular of each other like NEW and NEWS, at least it would be evident to the recipient of that e-mail that it was not intended for them and perhaps they could, assuming an honest registry or registrant, I should say, could at least refer it to the right place. This is in no way perfect, but it definitely seemed like from a comments, from the CCT RT and from the community that for plurals and singulars of the same word – and we're not getting into strings at this point because there may be strings that are not words but of words are something that the community has an interest in preventing.

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Justine says, "@Jeff, what the end user doesn't necessarily relates to what is stated per applicant's purpose." Understood, Justine. So, perhaps there could be some sort of contractual requirement or something in the case of actual confusion that we'd resolve it. That's true, Justine. But I think again, the community spoke and the community spoke pretty loudly on not allowing plurals and singulars and the only way we can assess is at the application level at this point.

Jeff, your NEW and NEWS is an example of a good how the S in limited cases creates a different impression. And Paul, not only it creates a different impression, it creates two different words and two different meanings. So, the recommendation's pretty clear that if the applications are not singular and plural of each other by looking at the purpose or intent then they should not be prohibited. So NEW and NEWS is an example of what we do not intent to prohibit.

Then Cheryl says, "Thus there needs to be a reference tool," and a reference tool that's agreed upon in advance so that the applicants could certainly have notice of at least with existing TLDs what may be deemed to be a plural of something that already exist. Obviously, they can't see at that time that they apply other applications that may be singular or plural, but certainly they could see what maybe is singular or plural of something existing.

Okay. Then the next part – let me just make sure I've seen all the hands here. Yup. So, next let's take the next part of that. Consider whether the contention set should be expanded to the languages of the users rather than the language identified by the applicant; consider whether to

expand the confusability assessment to other forms of inflection beyond pluralization.

Okay. So the first part of that is the languages of the users. This again, when you're faced with looking and reviewing an application, all you're given is the application and what it says in the application. So, that's the primary reason why we said you needed to use and look at the application. I'm not sure how to look at the language of the users in any other way unless – I guess I would say unless the – no, never mind. I'm again trying to think of examples.

Paul is saying, "We would have to pick a dictionary for each language." Paul, I think we would. Unfortunately, that's definitely what's the effect is going to be. And perhaps we can before find a dictionary for each of those. I think that's an implementation detail as Cheryl says.

Emily states, "Regarding the suggestion to use a dictionary to determine the singular/plural form of word, it should be noted that a word may be identical in many languages but generate different plural forms in each of the languages. For example, Kitab is book in Arabic, Persian, Urdu and many other languages but the plural form of the word is different in each of the languages. So, it should be also noted – again, I think you have to look at the intent that's expressed in the application. If it is clear from the application that what is being applied for is a singular or plural of something already existing from the application itself on its face then that's what we're trying to prevent. If it's not clear from the application then perhaps clarity needs to be sought or additional contract language needs to be put in place but this is not going to be perfect and there's going to be some edge cases. But I think this is one area where again

because the community feel so strongly in one way, that – and if we're clear on expressing what the intent of this is, then perhaps in these edge cases some sort of discretion should be given.

Emily's saying, "That's an excerpt from the ICANN Org comment." Understood.

Justine is saying, "Meaning the same string could appear more than one language or it means there is more than one set of end users?" True, Justine. But again, if the application is for a specific intent to the extent that they are using it for that intent then at the end of the day, that should lessen the likelihood of confusion. It's not going to eliminate it by any means but it should lessen it. And if there are suggestions we can do to minimize it, please help us.

Are there any other questions, comments on that part? The part of inflection beyond pluralization, that's a difficult concept to … because we didn't really receive any applications that were in that category and it's difficult, for me anyway, to come up with examples but perhaps others on this call can.

Sarmad, thank you. Please. It's great to have you on this call. Thank you.

SARMAD HUSSAIN: I'll specifically comment on the inflection part. In different languages, there are different kinds of agreements which are done. Singular and plural are just one example of what are [inaudible] termed as inflectional morphology where words don't change in meaning. They actually just change their grammatical form. In English, for example, the

inflections are of course limited, for example, to singular and plural. But, for example, there are other languages which will inflect for gender. There are many other cases where inflections are possible.

So I guess in English if we look at verb forms instead of noun forms, in English one can get up to five different versions of a verb. For example, if we look at the word EAT we have EAT, EATS, EATEN, ATE, and so on. Similarly, the regular past tense, so we have decided that doesn't really change the meaning. It does change the grammatical category similar to what singular and plural do. And then there's obviously an example from French words in the comment which is in the chat. Then obviously I think as far as gender is concerned, there's an example from Spanish. This is actually quite normal for languages. So, I guess the question is, if you are going to consider a grammatical category like singular or plural, as confusing why not also consider a grammatical category like masculine and feminine or different versions of tense or there are other mechanisms on which grammatical categories could be formed, for example, respect and so on in different languages, so why not also consider those other grammatical categories as confusingly similar, and why limit to singular/plural? Understanding the fact that maybe in the previous application round, that example just came up where only for singular and plural but that may not really be the limit, for example, or the only case in the next application round. Thank you.

JEFF NEUMAN: Thank you. That actually is really helpful. Thinking about what I related to was the gender differences in words especially in Spanish, which is one of the languages I know a little bit about so that makes sense. I just

hadn't heard that referred to as a form of inflection, but I'm not a linguistic by any means so not a surprise that I hadn't heard that term used.

Okay, I think there's a really good point. So is it your recommendation that we should be considering others? Are we opening up a can of worms? Obviously you start down one path, does that mean you have to cover every path? There may be a logical place to stop. But I think Paul puts the question very well: "How do we boil all of this down in a way that would provide even a modicum of predictability to an applicant?" I think doing the plural and singular version is something we've seen. I think it works but perhaps there are other recommendations like the gender. I'm not sure about getting into tenses like past and present. That makes it a little bit extreme, but let's hear from everyone.

We've got a comment. I apologize, I'll try to say Vaibhav. Did I say that right?

VAIBHAV AGGARWAL: Yes.

JEFF NEUMAN: Fantastic. Great.

VAIBHAV AGGARWAL: Good morning. It's about 9:00 here in the morning but late evening. It's a very simple question. Paul McGrady has a very valid question, "How

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do we boil all of this down in a funnel kind of manner?" which is acceptable to most of us. I think one way that I look at it is that the plural applications, instead of rejecting and creating a lack of opportunity for those applying for it rather there should be a policy consideration where everyone else – say for example, .CAT. If there's someone who's applying for .CATS or .CATY or something similar should be given an opportunity to actually do a side show with the main applicant. I don't know if we can use the SWORD Tool for it or not, but one could actually create an opportunity for the applicant who's applying for the main string to collaborate with the other applicants who are applying for the other variations. Within the policy currently of the new gTLD, there is no provision for a side show but every application is a competitor to its own. In this particular case, a side show like in a card game, side show could be a very good idea.

JEFF NEUMAN: Okay. But I think at the end of the day then that would be more in terms of the applicant's confusion, and then we're sort of getting away from the notion of – as Justine puts it – the confusion from the end user. So even if the applicants can agree amongst themselves to [inaudible] the singular and plural, that's not helping with the issue to end users, which was I think the real concern with the plurals and singulars with having BOOK and BOOKS, and CAR and CARS. CAT and CATS would be a little bit different because someone applying for .CATS would show that their application is not the plural of the existing … or the use is not the intended plural of the singular that's already in place where .CAT is for the Catalonian region, whereas .CATS would be around pets and things.

So I think that wouldn't necessarily be prevented from moving forward in the application process.

And yes, Christopher, we know that .CAT is already delegated. That's my point because if there's an application for a string for the plural or singular of a string that already exists, then unlike the contention set rules which apply to two applications, the only option is to reject the new application, which is the plural or singular of an already existing TLD.

VAIBHAV AGGARWAL: May I? Just a brief clarification. What I'm suggesting has a precedence in the new gTLD process. Please refer to the entire application process for the .ACCOUNTANT and .ACCOUNTANTS. That should clarify and bring some clarity on it. Thank you.

JEFF NEUMAN: Okay. Thank you. Sarmad says, "Would DECIDE and DECIDES be allowed?" Those are not really the plural and singular because they're verbs. And so DECIDES is not the plural of DECIDE. I don't think there is a plural of DECIDE but I could be wrong. It's late. I think they would be allowed because the dictionary would not indicate that those are plurals and singulars – if all we did was plural and singular.

Sarmad, you're next in the queue, so do you want to take that?

SARMAD HUSSAIN: Yes. I actually gave an example which obviously is a verb, but it's not a noun. And what it shows is a verb inflection, which in English of course differentiates between its agreement with the singular versus plural subject. But in any case, I think the only difference here is S and we are saying that an S difference at the end is significant enough to differentiate two strings in a noun but on the same – and we are potentially saying that differences are not significant to differentiate between two forms of a verb, which is also grammatically similar meaning. Obviously the rule is slightly different of course, their inflectional meaning.

So I guess I'm just sharing that as an example of some of this other inflectional morphology which can actually come in. I think we could potentially look at this more holistically. Singular/plural is just one example as I was saying here of such cases. About the question or comment about, "Can we somehow delimit this kind of work?" I think as far as linguistics are concerned, if we are actually going there on language-based analysis, inflections are reasonably well understood versus non-inflectional morphology languages. So there is a reasonable delimitation of such work with the linguistics at least. Thank you.

JEFF NEUMAN: Thanks, Sarmad. This is a question. Would there be a reference source that would indicate all versions of inflections of an existing word that could be used by the evaluators and/or used by the applicants to understand what the difference inflection points would be? I think the same rule would still apply. Are they intended to be different inflection points of the same root word, I guess.

Sarmad is saying, "Inflections are given in a dictionary." Was that true for each different language? Yes, Sarmad, please, if you know.

SARMAD HUSSAIN: It really would depend on how well, I guess, or advanced the dictionaries are in a particular language. That obviously can vary from language to language, but like singular and plurals, past and present, those kind of inflection differences are generally covered in dictionaries. As I said, dictionaries which are covering inflections don't limit themselves to covering just inflections for singular and plural. They would cover inflections in other cases as well. Thank you.

JEFF NEUMAN: Thanks, Sarman. Actually, I think that's something we probably should look into because I do think that if it is easily determined and it does fit it with the whole point of making sure – and it's intended to be an inflection of the other looking at the application itself, then I think that that is certainly something that would be worth considering seriously. As Justine says, "Is there a list of prominently accepted dictionaries around the world?"

I think the high-level policy, it sounds like we're in agreement with the high-level policy that we think for end users, having the plural and singular and having the different inflections of the same root, if they are intended to be the plural and singular or the inflection of each other are not a good idea for end users.

I think that most of us are in agreement but I will note the comments from Vaibhav that says, "But since there's no policy, currently, there is no possibility of legally doing/combining strings. My point is simple. Why stop/curtail the opportunity for the end user?"

Paul is saying, "Can we have another example? You guys are smarter than me. MOUSE/MICE?" Yes, in Spanish if you wanted to do [inaudible] in there for CAT. GATO for male cat, GATA for female cat. HERMANO for borther, I guess sister is HERMANA. It's two different meanings. There's plenty of examples of inflection. And according to what Sarmad said, different tenses would also be included. So the past and present tense of words, of verbs – RAN/RUN. Exactly. I think those are examples.

Again, another statement: "There are plenty of examples of precedence in the 2012 round." The 2012 round, it was clear that plurals and singulars were allowed – period. With the exception of a couple of decisions which were inconsistent. I think the community has spoken, I believe, both through the CCT Review Team, through all of the comments we've gotten to date that at least with respect to plurals and singulars, this was not something we wanted to continue. And I'm using the "we" in the community sets. So while I take the point of the negotiations and what happened in 2012, unless I'm misreading things and please speak up if you think I am, that's not the direction that the community wants us to go in at this point.

Okay, let me take the next part of this which talks about, "Consider how the rules in this preliminary recommendation may be applied to labels that are not words in a language." I think that would probably be covered by the intent of how the applicant wants to use it. You have

COM now and you have someone that applies for COMS. I don't know how you have a plural of something that's not a word or at least intended, but perhaps – let me look at what Emily just posted.

Sorry this pretty long. Emily says, "An additional consideration is that as strings are frequently labels and not words. For clarity, the PDP Working Group might want to consider sub-categorizing different forms of string similarity evaluation. For example, defining a separate sub-category of grammatical similarity that would include singular/plural and any other grammatical similarity that the PDP Working Group wishes to include such as gender…"

Okay, that's the inflection point. That's about labeling at something other than visual similarity which would still exist as a category. So I take that comment and perhaps that does make sense. Say we have a visual similarity analysis as well as a grammatical similarity, inflection similarity, or whatever we want to call that. I think that makes sense.

Then we have the issue of variant labels which is so beyond my understanding. But certainly there is already some policy on that, there's some work going on outside of our group, and I think there's also a new working group that may be established to deal with some of these variant issues. I think the same rules would apply to whatever rules are set for the variant. So if you have a variant that is an inflection point, I think that should be treated however the variants are treated, however it's determined.

Sarmad, please, then I'll go to Justine's question.

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SARMAD HUSSAIN: Thank you. Sorry, I'm speaking a lot in this call. Coming back to this particular comment in the document itself where we are saying that we can actually have labels – actually, labels are not necessarily words. So I'll give you two examples and ask I guess how something like this would be decided.

I'll take the examples you already mentioned: CAR versus CARS and COM versus COMS. Suppose there is an applicant who applies for a CAR for obviously meaning and then somebody says that they want CARS, which is not really a plural of CAR but it's an acronym of some organizational name or something. It's like a short form which is a very normal thing to do in English, for example. That's one example. Would then CARS as an acronym be allowed because it is not really a plural of CAR?

Similarly, if somebody comes in and says they want COMS, which they think is an appropriate short form of communications, which is different from COM which is commercial, those are different meanings, would that, for example, be allowed? Thank you.

JEFF NEUMAN: Thanks, Sarmad. Please don't apologize for weighing in. You're being extremely helpful during this call, at least for me. I think certainly your expertise on this is very much appreciated.

I think if you looked at the intent behind the application then, I think that's almost like the brand example that we talked about there could easily be brands that end with an S that could, in theory, look like a plural of something already delegated or there's already an application

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for but it's clear from the application that the use is not going to be in the form of a plural or singular of the already existing TLD or application, I think that would be treated in the same way.

So if CARS happen to be the abbreviation for an organization and it's clear that that organization is not going to use .CARS in a way that would be the plural of .CAR then that should go through. Again, I know CAR and CARS are already through, but in this example let's pretend it wasn't. COM and COMS is the same thing because there is no plural, in theory, of COM, but even if there were a plural of COM, if you have a COMS application that was for an organization or some acronym of an organization, it should be clear from the application that it's not intended as a plural for singular.

I think we spent a lot of time on this. I just want to make sure that from a high level – and we'll work on the language – noting the one comment about negotiations, other than that, does it seem like we have a high-level understanding or agreement of what we're trying to do? Jim, please.

JIM PRENDERGAST: Thanks, Jeff. I guess the question I have is, is there a requirement that it would be an acronym and not some sort of other use of the word? Or is it just the intent for the use of the TLD that would be different than a plural of an existing string?

JEFF NEUMAN: Thanks, Jim. I think you're getting at the question of, what should be required going forward, like a contractual term? I think at the beginning all you can do – from the application stage – is look at the intended purpose of the string to make that determination. But are you asking about whether there should be some sort of requirement going forward? Is that sort of what you're asking?

JIM PRENDERGAST: Yes and no, I guess. There is the question of, how do you bind somebody to the intent of their application and not prevent them from saying – in the case of CARS, it's going to be used for something other than refer to vehicles, and then two years down the road they realize it's not a viable business model and they change it. I guess that's one scenario.

I guess maybe it's just an example that Sarmad raised where it could be an acronym, but I'm wondering if that is a requirement or a litmus test in the application that indeed if it is an acronym then it's exempted from the plural prohibition. Thanks.

JEFF NEUMAN: Thanks, Jim. I think that's just one example. An acronym would be just one example. We talked about the brand example too. It's really late. I used to know of an example and it might actually be in the initial report where you could have a brand that has a name that may look like the plural or singular of an already existing TLD. And it's not an acronym. I think the acronym or abbreviation is an example and not a requirement. Paul, please.

PAUL MCGRADY: Thanks, Paul McGrady here. An example of a brand that has a plural of a pre-existing TLD would be the NETS, the basketball team. So it's not hard to imagine that kind of scenario. And I've already raised the issue in the chat. I guess I don't understand how the intent of the applicant really deals with errant e-mails and things like that when users make typing mistakes. The COM and COMS is a great example. I don't know that we can presuppose that everybody will be a good actor. I'm just not sure how the intent of the applicant test really solves any of the serious problems on consumer confusion, but I guess we can keep talking. Thanks.

JEFF NEUMAN: Thanks, Paul. I agree with you. I do agree with you. We're not going to be able to solve for everything and certainly there's always going to be the risk of a typo. There's already the risk now. You have .ABC and .BBC. You have many examples where you differ in one letter but it could, in theory, be a typo of something else. I'm not sure that that's something we're ever going to perfectly solve, but the community did point out that it seems like we can solve the plural and the singular versions but we can't solve things where strings may differ from one letter solely that have different meanings. I'm not sure we're going to be able to do that. As you said, .CO, .COM, right, all that stuff. It's not perfect by any means. It's not going to mitigate everything but it's a step I think that the community wants us to take. I know that's not a perfect answer for all but it's all I got.

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Cool. Alright, I think if you look at the SSAC, they've made a comment which I think is in a lot of respect similar to the ICANN Org's concerns though they worded it differently. I don't think there's anything new in that that we haven't already discussed, but they do say, "Beyond visual similarity, trying to determine confusability based on the meaning of words is fundamentally misguided, as domain names are not semantically words in any language." Then they quote RFC.

I have a personal view on this comment but I would like to hear if others have a comment first before I give my personal view. Okay, so my personal view is that oftentimes the SSAC and the techies like to give this type of explanation that the domain name is not semantic words, but I think we also have to look at how domain names have been used in the history as well as just the intended purpose of what a domain name is. I think that comment from the SSAC, although they say it's fundamentally misguided, I think that's because they're taking a purely technical view of what a domain name is which is the association of letters or characters with IP addresses.

Yes, in theory they may have started out to be not intended to be semantic words but I think it would be tough to argue with the 1200 or so TLDs that have been delegated with a number of them that are certainly intended to be words semantically. But that's a personal view. That is in no way a Chair view, so I'm very much interested in hearing other views on that. And there are none. Okay. Let's move on then.

There's some interesting questions here from the NCSG, and this is the one group that I think does not support setting blanket rules, if I remember correctly. NCSG states that "String evaluation should be

consistent and effective in avoiding confusion and loss of confidence in the DNS. Resolution mechanisms should be fair and efficient. There should be longer periods for applicants to submit String Confusion Objections based on the String Similarity Review given the possibility of receiving delayed reviews caused by unique factors such as the high volume of unique strings." I'm going to stop there at this point because I think that's a separate point that we should discuss.

Should we consider allowing a little extra time or treating string similarity reviews and objections different than other forms of objections and reviews, in that some groups may not have filed String Confusion Objections? They may not have filed because they may have thought in 2012 it should've been obvious, at least to them, that those two strings should've been caught up by the panelist. I think once they were not caught by the panelist, they may have been taken by surprise.

In thinking about that, there is some good logic behind perhaps waiting or giving maybe sometime after the results of the string similarity analysis to file objections for things that might not have been covered. On the negative side, that would stretch out the evaluation and objection period a little bit longer and so there's that. What do people think about the NCSG's idea?

Okay, we can add some more discussion on the list if people don't want to speak out or if this is the first time they're thinking about that, that's fine. While you're thinking about that, the next part of the NCSG comment: "The AGB perceives similar strings as the ones who present the possibility of user confusion in case more than one of the strings is delegated into the root zone. 'Discussions on types of string similarity

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that we might need to push back on is of high importance…'" Then they talk more about the plural and singular, and they argue against the presumption that singulars and plurals are confusing with each other.

I think we talked about the singular/plural issue. The only thing we haven't talked about is the idea of giving some extra time, so I think we'll take that one to the list.

"Are we talking about the Legal Rights Objection?" No. I think we're talking about the String Confusion Objection. I hope I'm getting the name of that right, if someone can correct me. But there was specifically a String Confusion Objection or similarly termed it – thank you, Justine – where you could file an objection either to get applications into the same contention set or you could file the objection if it was an existing string to have the application thrown out. So this is different than the Legal Rights Objection. Paul, does that make sense? Cool.

Okay, I think we talked about the INTA discussion because I think that's just different meanings, so we covered that.

The SWORD Tool. The recommendation in the initial report was that we get rid of the SWORD Tool because it was confusing, it was not looked at, really. It was changed midway and it was generally not found to be helpful to applicants because while it gave you percentage, according to that algorithm it did not tell an applicant above this percentage would be considered confusing. It just gave a percentage. The majority of comments, if not high super majority of the comments did say that SWORD should be thrown out.

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ALAC argues that there should be a new replacement solution. I put a comment in there – and maybe I've assumed something in my comment – but my comment says, "Why is there an assumption that that an automated tool is needed or even possible? Can't we all do this with manual review applying the policy, essentially, that we agree on?" And Paul is saying, "The SWORD Tool is worse and not helpful because it gave false comfort."

So, I'm not sure how else to reply to the ALAC. If there is a specific idea for an automated tool, that would be great. But I think what we've found is that an automated tool (A) may not be possible, (B) may be way too expensive to develop, and (C) it would only be as good as guidance to the results would be. Like I said, if ICANN said if you got 80% or higher from this tool then it would be considered confusing. Justine, please. Thank you.

JUSTINE CHEW: Thanks, Jeff. I totally agree with you from the perspective of ALAC, the word used in their comment is "solution," not "tool," so don't assume that we are advocating for an automated tool of any sort. I think the point that we're coming from is obviously the SWORD Tool was adopted in the last round in the hope that it would meet some requirement or address issues that need to be resolved. So our point is if the SWORD Tool is eliminated – and we're not disagreeing that it was horrible too – then something needs to be in place to still address the problems that were intended to be addressed from the 2012 round. I don't know what the solution is but we're just saying that – just because we eliminate

one tool that we forget about addressing the problem to begin with. Thank you.

JEFF NEUMAN: Thanks, Justine. Thanks for clarifying that it was not intended as an automated tool. So, we can get rid of my comment. Perhaps it's more in the phrased as guidance or a suggestion that if such a tool can be created that addresses the issues, maybe the issues that I mentioned just before, then perhaps we can suggest the creation of new tool but only if it solves those issues. Perhaps that's the way to go on that one.

Alexander says, "Why not offering a manual submission of the string to ICANN so that they can test the string within a few days for a fee?" Alexander, I think we can mention a couple of different possibilities but I think this will be more in the suggestion category as opposed to policy advice. From what I've seen from ICANN, generally they tend to outsource those things, that they don't do the evaluations of those types of things themselves so that would depend on getting an external source in place and paying for that. So I think perhaps putting it as a suggestion – and Justine points out that the issue is what are you testing against? So let's give that some thought. "That's an interesting idea," as Paul says. Cool.

Alexander is saying apply the same test as later in the evaluation. All you could really test, Alexander, is whether it's similar to an existing TLD. You couldn't test whether it's similar to another application because you don't know if there's going to be another application. So I guess that's all you could test against is whether it's similar to an

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existing delegated string. Or I guess existing application that's still not processed.

Okay, we're skipping the next set of comments because that's for later subject. This is a topic that was introduced by the validated, verified TLDs for highly regulated sector. It was not a recommendation but there was some discussion in the initial report that if you had a verified TLD and a highly regulated sector and they had restrictions in place, then having a similar or synonym of that could be confusing to end users who may assume that the new string has at least as much in the way of restrictions/protections, whatever you want to call it as the existing TLD. There was some support in there, although it's not shown right now, but I believe the ALAC – scroll up just a tiny bit – there was some support from the ALAC and the National Association of Boards of Pharmacy that the synonym should include string similarity review or at least I know the NABP said at least have some sort of objection for it. But there was disagreement from the Registrars, INTA, Neustar, Registries Stakeholder Group, and Valideus, where they did not support such a solution. I think that this probably is a discussion for the list. It's a very complicated issue and it's one that certainly should be thought about because the last thing – at least with the NABP.PHARMACY, if you have .DRUGSTORE, is there a danger of that? That would be an open TLD but some may assume that it has the same restrictions as .PHARMACY and therefore may rely on purchasing pharmaceuticals from .DRUGSTORE, believing that it has the same reliability as .PHARMACY, which may or may not be the case. I do think it's one that we should think about. Think about it from the user perspective. I know

there's a lot of divergence on that but is there a compromise solution here?

Okay. There was some discussion if we go down on the treatment of homonyms where the Thai Network Information Center suggested considering homonyms, which I think if we apply the same principles that we already have may include those. We'd have to think of some examples where that wouldn't be included.

Then there was from the ccNSO that suggested a common approach between string similarity in their discussions as well as in our discussion for new TLDs. The GNSO Council had a presentation from the ccNSO. The GNSO Council still discussing whether and how we should deal with that. But for the record, Cheryl and I sent a letter to the GNSO Council saying while we appreciate the notion of having a joint effort, the string similarity in gTLDs is not at this point treated similarly to the ccTLDs where the ccTLDs only look at visual similarity and do not have any form of objection process, the gTLDs do look at other things and have objections, and to combine efforts doesn't seem to us to be the logical way to go simply because (1) they are treated very differently and (2) we're nearing the end of our process and to start a whole new process would delay things. And the final reason is that there's nothing prohibiting the ccs from contributing to this discussion as they have been. So it's to the extent they want to contribute, they certainly have every right to do that.

The final example – sorry – of why it's different that we put in our letter is that anything that came out of the CCWG which is the proposal of the ccNSO a cross-community working group, we still have to go through a

policy development process in both the GNSO and the ccNSO to be approved. So if there are new ideas, why not introduce them here which they have been doing?

Okay. We're not going to talk about now string contention resolution because we're moving that into the section on auctions of last resort. The other items also have been moved into other sections where they make more logical sense. Don't worry. We will get to those. We will put those comments in the appropriate sections, but I think we've finished this subject.

Cheryl is telling me there's 10 minutes left. That leaves a good opportunity to talk about the very, very, very preliminary schedule for ICANN66. So, I'll turn it over to Julie Hedlund to introduce that, and then we'll take questions and maybe I can add a thing or two. So, please, Julie. Thank you.

JULIE HEDLUND: Sorry, coming off mute. I was double muted. Thanks, Jeff. This is Julie Hedlund from staff.

Just to note the schedule as it stands now which is not published and which is still preliminary until it's published, but it looks like it will probably be what we'll be seeing once the schedule is published.

We have two sessions on Saturday, the 2nd of November. That is the first day of the meeting. The meeting starts on Saturday. As you may recall, this is the longer meeting and it starts on a Saturday and runs through the following Thursday. We have session 1 which is 12:15 to 13:15,

which currently is scheduled as a SubPro Work Track 5 session, followed by session 2 at 13:30 to 15:00, also a SubPro Work Track 5 session. We'll note with those two sessions that the plan is that Work Track 5 will have its recommendations to the full working group prior to ICANN66. And if that is the case, then it's possible that these first two sessions will become full working group sessions. So for your travel planning, you may want to consider coming for that first day because it may be that the full working group will be meeting on those sessions to hear about the Work Track 5 recommendations that would be presented by the Work Track 5 leadership.

Then the other two sessions are on Monday, the 4th of November. Session 3 would be 09:00 to 10:15, and noting that normally the opening ceremony is in the morning but it is most likely that the opening ceremony will be shifted to the afternoon. Because of that, one of the late afternoon sessions will be moved to the morning, from 09:00 to 10:15 as I noted. And then the other session from 15:15 to 15:45 will be at the time that is currently scheduled.

So, two sessions on Saturday, two sessions on Monday. The possibility is that all of these will be full working group sessions starting Saturday. Thank you, Jeff.

JEFF NEUMAN: Thanks, Julie. I'm going to probably be a little bit stronger, Julie, in saying it's a very high likelihood that the sessions 1 and 2 are going to be full working group meetings where the SubPro Work Track 5 is going to present the recommendations to the full working group, and the full

working group will then discuss the next steps on those recommendations. But the reason we really wanted to bring it up was because the initial schedule which may come out fairly soon will just say SubPro Work Track 5 just because that's what had to get in for the vary initial planning. So despite seeing SubPro Work Track 5, you can assume or should assume that it is going to be a full working group meeting discussion on the use of geographic names at the top level. We certainly will update the session descriptions as we know for sure, but the initial placeholder language is going to say SubPro Work Track 5.

We'll also post an e-mail on this on the list and we'll remind everyone every week or so, not necessarily we're meeting but we'll do frequent reminders that it will likely be a full working group meeting. Any questions on that?

Okay, last item is thank you to everyone that has been volunteering for the small group on Closed Generics. As I said in the e-mail, we're going to start substantive discussions on that list, but I just wanted to give a couple of days for people to join. We certainly have a number of people that have already joined. The small group is open, so anyone can join. But I'd like to start the substantive discussions if we can as early as Tuesday or Wednesday this week, which I know is today for some of you, but I'd like to get those discussions going. Again, the primary purpose is really to see if there is a possibility of a compromised solution. If it looks like after the first couple of weeks we're not going to get to some sort of compromised solution, then we may just close down the small group. We don't want to spend lots of time on something if it appears that the compromise is not going to be likely.

Paul asked when the small group is meeting. At this point, Paul, we're going to try and do everything on the [list] but it depends, it is possible that the small group may want to have a call. But I'll leave that to the small group.

Thank you, everyone. It's been a great call. Let me just ask if there's any other Any Other Business? Okay. Please note, Julie, that Paul has asked to be added to the list, so has Justine. If you guys can send an e-mail, not necessarily to the full list but at least to the GNSO Secretariat and to our Policy Org staff – Julie, Steve and/or Emily – that would be great.

Alright, thanks, everyone. Great call. Talk to everyone on Thursday at the time that was just posted, 20:00 UTC. Thanks, everyone. We can end the call.

CHERYL LANGDON-ORR: Thanks, everyone. Bye.

JULIE BISLAND: Thanks, Jeff and all. Thank you very much for joining. This meeting is adjourned. You can disconnect your lines.

[END OF TRANSCRIPTION]