

# ICANN | GNSO

Generic Names Supporting Organization

<b>WG Name:</b>	TBD	
<b>Section I: Working Group Identification</b>		
<b>Chartering Organization(s):</b>	Generic Names Supporting Organization (GNSO) Council	
<b>Charter Approval Date:</b>	<Enter Approval Date>	
<b>Name of WG Leadership:</b>	<Enter Elected WG Leadership>	
<b>Name(s) of Appointed Liaison(s):</b>	<Enter Liaison>	
<b>WG Workspace URL:</b>	<Enter Active Project URL from GNSO Site>	
<b>WG Mailing List:</b>	<Enter Mailman archive link>	
<b>GNSO Council Resolution:</b>	<b>Title:</b>	Initiation of the Expedited Policy Development Process (EPDP) on the Internationalized Domain Names (IDNs)
	<b>Ref # &amp; Link:</b>	<Enter Resolution link>
<b>Important Document Links:</b>	<p><b>Procedural Documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Annex A-1: GNSO Expedited Policy Development Process</a></li> <li>• <a href="#">Expedited GNSO Policy Development Process Manual</a></li> <li>• <a href="#">GNSO Working Group Guidelines</a></li> </ul> <p><b>Non Exhaustive List of Substantive Documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">GNSO New gTLD Subsequent Procedures Policy Development Process Final Report</a></li> <li>• <a href="#">IDN Variant TLD Implementation Staff Paper</a></li> <li>• <a href="#">Recommendations for the Technical Utilization of the RZ-LGR</a></li> <li>• <a href="#">RZ-LGR Project</a></li> <li>• <a href="#">Final Proposed Draft v. 4.0 of IDN Implementation Guidelines</a></li> <li>• <a href="#">Mapping Document - Charter Questions, SubPro Recommendations, and Prior IDN Efforts</a></li> <li>• <a href="#">GNSO Council IDN Scoping Team Final Report</a></li> </ul>	
<b>Section II: Mission, Purpose, and Deliverables</b>		
<b>Mission &amp; Scope:</b>		

## Background

On 14 March 2019, the ICANN Board approved a [set of recommendations](#) developed by ICANN org on how to allocate IDN variant TLD labels. The ICANN Board requested that the GNSO and ccNSO take into account those IDN variant TLD recommendations while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications. The ICANN Board further requested that the GNSO and ccNSO keep each other informed of the progress in developing the relevant details of their policies and procedures to ensure a consistent solution for IDN variant gTLDs and IDN variant ccTLDs.

On 15 August 2019, the GNSO Council IDN Variants [Scoping Team](#) started to develop recommendations for the GNSO Council's consideration on how to address the IDN variant TLD recommendations. In addition, the Scoping Team also considered issues in the [Final Proposed Draft version 4.0 of Internationalized Domain Name \("IDN"\) Implementation Guidelines](#) ("IDN Guidelines v. 4.0"), for which the ICANN Board had [agreed](#) to the GNSO Council [request](#) to defer its adoption. Those issues pertain to the process/mechanism of updating the IDN Implementation Guidelines in general, as well as specific requirements within the IDN Guidelines v. 4.0.

On 26 January 2020, the ICANN Board approved the [Recommendations for the Technical Utilization of the RZ-LGR](#) on how to employ the [RZ-LGR](#) to determine valid IDN TLDs and their variant labels. The ICANN Board requested that the GNSO and ccNSO take into account those RZ-LGR Technical Utilization recommendations while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications.

At its meeting on 23 January 2020, the GNSO Council discussed the [Final Report](#) from the Scoping Team, which suggested tackling IDN related issues in two tracks: Operational Track and Policy Track. The Policy Track has two main objectives: i) to deliberate on the [definition](#) and [management](#) of IDN variant TLDs, and ii) to deliberate on the change process of the IDN Guidelines and any policy issues related to the IDN Guidelines v. 4.0 identified by the Operational Track Team (consisted of members in the GNSO Contracted Parties House) and agreed upon by the IDN Guidelines Working Group.

In considering the mechanism in carrying out the Policy Track work on IDNs, the GNSO Council agreed with the Scoping Team's suggestion that an Issue Report is likely not needed in order to initiate the work, and an EPDP is the desired approach. Hence, during its meeting on 21 October 2020, the GNSO Council agreed to establish a [Drafting Team](#) to develop both a draft charter and an Initiation Request for an EPDP on IDNs. The Drafting Team kicked off its meetings on 8 December 2020 and submitted the draft EPDP charter and the Initiation Request for the GNSO Council's consideration on 10 May 2021.

At its meeting on 20 May 2021, the GNSO Council resolved to initiate an Expedited Policy Development Process ("EPDP") on IDNs and adopted this charter for the EPDP Team to deliberate the Policy Track issues outlined below.

## Scope & Charter Questions

This EPDP is expected to provide the GNSO Council with policy recommendations on:

- i) the definition of all gTLDs and the management of variant labels to facilitate the delegation of

variant gTLDs in the root zone while achieving the security and usability goal of variant labels in a stable manner; and

ii) how the IDN Implementation Guidelines, which Contracted Parties are required to comply with, should be updated in the future.

Notwithstanding the former and subject to GNSO Council approval, the mission and scope of this EPDP may be expanded specifically as a result of the Operational Track. This EPDP is expected to provide the GNSO Council with recommendations to resolve issues for policy considerations in the IDN Implementation Guideline 4.0, IF and WHEN such issues are identified by the Operational Track Team and agreed to by the IDN Guidelines Working Group.

The WG is expected to develop its recommendations by building on the existing body of policy work, research, and analysis on the IDN subject, with a focus on the [GNSO New gTLD Subsequent Procedures \(SubPro\) PDP recommendations](#) under Topic 25 on IDNs and other relevant topics, which have been adopted by the GNSO Council in February 2021 and forwarded to the ICANN Board for adoption.

The SubPro PDP recommendations were developed by taking into account other previous policy work on IDNs, including the [IDN Variant TLD Implementation staff paper](#) (“Staff Paper”) and [Recommendations for the Technical Utilization of the Root Zone Label Generation Rules \(RZ-LGR\)](#) (“TSG recommendations”). See more information about the previous work on IDNs in [Appendix B](#) of the IDN Variants Scoping Team Final Report.

As a result, the charter questions were developed based on the following principles and framework:

- This WG should not revisit SubPro recommendations in the context of future new gTLDs, but will consider questions asking whether such recommendations should be extended to existing gTLDs;
- Where SubPro does not have a recommendation that corresponds to the Staff Paper/TSG recommendation, the charter will include questions about the impact of such recommendations on both future and existing gTLDs;
- The SubPro Implementation Review Team (IRT) and this WG (including its future IRT) should coordinate on addressing implementation issues to achieve, to the extent possible, consistent solutions for new and existing gTLDs. To be clear, coordination does not mean that this WG cannot independently consider certain question that impact both future and existing TLDs or arrive at its own conclusion, but means that whichever group is first to develop a solution or recommendation for such question, such group should inform the other group to ensure a consistent implementation can be developed to the extent possible.

To see whether/how the SubPro PDP recommendations map to the recommendations developed in previous policy work on IDNs, reference the [mapping document](#), which also provides context to the corresponding charter questions.

This charter recognizes that the existing policy efforts seek to address the challenge of achieving security and usability goals for IDN variants in a stable manner. As such, the SubPro PDP, Staff Paper, and TSG designed their recommendations to be conservative and to find a balance to permit delegation of TLD variant labels that meet end user needs but block TLD variant labels that pose a security risk to end users.

This charter also recognizes the processes established by the SubPro PDP and the inclusion of questions related to the SubPro PDP's recommendations is not intended to amend the structure or framework of those processes but rather, to ensure that they are able to properly accommodate variant domain names and incorporate the same entity principle for existing and future gTLDs.

As part of this determination, the WG is, at a minimum, expected to consider the following elements and answer the following charter questions.

### **TLD Label Validation and Variant Label(s) Calculation**

#### **A. Consistent definition and technical utilization of RZ-LGR:**

*The Charter recognizes that RZ-LGR related recommendations that the following questions seek to address were developed with the aim to achieve the security and usability goals for variant labels in a stable manner and were designed to be conservative, with the view that the IDN variant TLDs are being implemented for the first time.*

**a1)** Evaluating all TLDs using RZ-LGR as the one and only authoritative source allows for a consistent approach for reviewing current and future TLDs. The SubPro PDP, the Staff Paper, and the Study Group on Technical Use of RZ-LGR ("TSG") recommend that compliance with RZ-LGR (RZ-LGR-4, and any future RZ-LGR versions) must be required for the validation of all future gTLDs (including IDN and ASCII labels) and the calculation of their variant labels as a matter of policy, including the determination of whether the disposition of the label should be blocked or allocatable.<sup>1</sup>

For existing delegated gTLD labels, does the WG recommend using the RZ-LGR as the sole source to calculate the variant labels and disposition values?

**a2)** Before the proposed RZ-LGR mechanism, applications for IDN gTLDs have asked the applicant to identify and list any variant labels (based on their own calculations) corresponding to the applied-for string. The self-identified "variant" labels do not have legal standing, as "[d]eclaring variant strings is informative only and will not imply any right or claim to the declared variant strings."<sup>2</sup> The TSG recommends that the self-identified "variant" labels which are also variant labels calculated by RZ-LGR will need to be assigned a variant disposition based on RZ-LGR calculation, as discussed in **a1**).

If some self-identified "variant" TLD labels by the former gTLD applicants are not found consistent with the calculation of the RZ-LGR, but have been used to certain extent (e.g., used to determine string contention sets), how should such labels be addressed in order to conform to the LGR Procedure and RZ-LGR calculations? Consider this question by taking into account

<sup>1</sup> See Recommendation 25.2 and Implementation Guidance 26.10 in the SubPro Final Report, pp.115, 119: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 1 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; Recommendation 1 in the TSG report, p.5: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=5>

<sup>2</sup> For more details see *gTLD Applicant Guidebook*, version 2012-06-04, section 1.3.3 IDN Variant TLDs, p.1-35: <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>

the data to be collected in the “Data and Metric Requirements” section of this charter.

**a3)** SubPro PDP recommends that ICANN establish a mechanism that allows specific parties to challenge or appeal certain types of actions or inactions that appear to be inconsistent with the Applicant Guidebook.<sup>3</sup> SubPro PDP recommends that such a limited challenge/appeal mechanism applies to several types of evaluations and formal objections decisions, including the DNS Stability aspect of evaluation/challenge procedures. Previously, both the SSAC and TSG also recommended a challenge process for resolving disagreement with the RZ-LGR calculation on certain strings.<sup>4</sup>

If an applied-for TLD label, whose script is supported by the RZ-LGR, is determined to be “invalid”, is there a reason NOT to use the evaluation challenge processes recommended by SubPro? If so, rationale must be clearly stated. If SubPro’s recommendation on the evaluation challenge process should be used, what are the criteria for filing such a challenge? Should any additional specific implementation guidance be provided, especially pertaining to the challenge to the LGR calculation as it can have a profound, decimating impact on the use of RZ-LGR?<sup>5</sup>

**a4)** For future gTLD applications, the SubPro PDP proposes an implementation guidance that if a script is not yet integrated into the RZ-LGR, applicants should be able to apply for a string in that script, and it should be processed up to but not including contracting.<sup>6</sup> Applicants under such circumstances should be warned of the possibility that the applied-for string may never be delegated and they will be responsible for any additional evaluation costs. The burden in this case is on the applicant, who may have to wait for an indeterminate amount of time but is not aware of any other serious concerns. The SubPro PDP developed this implementation guidance by taking into consideration the TSG recommendation that the application should remain on-hold (or other appropriate status) until the relevant script is integrated into the RZ-LGR.<sup>7</sup>

The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: should the SubPro recommendation be extended to existing TLDs that apply for a variant TLD label whose script is not yet supported by the applicable version of the RZ-LGR? Consider this question in tandem with **b4)** and by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter. If not, what should be the process for an existing TLD registry who wishes to apply for a variant TLD label whose script is not yet supported by the applicable version of the RZ-LGR?

**a5)** SAC060 notes that variant code points in LGR may introduce a “permutation issue”, possibly creating a large number of variant domain names, which “presents challenges for the management of variant domains at the registry, the registrar and registrant levels.”<sup>8</sup> SAC060 advises that “ICANN should ensure that the number of strings that are activated is as small as possible.” The TSG agreed with this SSAC advice.<sup>9</sup> Appendix C of the Staff Paper reviewed the factors causing numerous variant labels and suggested measures to address this issue.<sup>10</sup>

Should there be a ceiling value or other mechanism to ensure that the number of delegated top-level variant labels remains small, understanding that variant labels in the second level may compound the situation? Should additional security and stability guidelines be developed to make variant domains manageable at the registry, registrar, and registrant levels?<sup>11</sup>

**a6)** Since RZ-LGR can be updated over time, the WG needs to consider the implications for existing TLD labels and their variant labels (if any), including any potential changing of status or disposition value.<sup>12</sup>

The TSG further recommends that the Generation Panel (GP) must call out the exception where an existing TLD is not validated by their proposed solution during the public comment period and explain the analysis and reasons for not supporting the existing TLD in their script LGR proposal.<sup>13</sup> This will allow the community and the GP to review such a case to confirm that an exception is indeed warranted.

Does the WG agree with TSG's suggested approach? If so, to what extent should the TLD policies and procedures be updated to allow an existing TLD and its variants (if any), which are not validated by a script LGR, to be grandfathered? If not, what is the recommended approach to address changes to the current version of the RZ-LGR that assign different disposition values to existing TLDs? Consider this question by taking into account the data to be collected in the "Data and Metric Requirements" section of this charter.

**a7)** The SubPro PDP recommends that single character gTLDs may be allowed for limited script/language combinations where a character is an ideograph (or ideogram) and do not

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<sup>3</sup> See Recommendation 32.1 in the SubPro Final Report, pp.154-155: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=154>

<sup>4</sup> Disagreement with the LGR calculator may arise due to circumstances including but not limited to: an invalid label due to choice of "letter" not included in the repertoire, albeit being IDNA2008 protocol-valid; an invalid label due to a contextual or whole label evaluation rule imposed by either integration or generation panels' variant; labels differ because of different assumptions. SAC060 proposed a straw man process to resolve disputes to the RZ-LGR results. The TSG recommended several technical inputs be considered when developing the resolution mechanism. See Recommendation 2, SAC060, p.9: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=9>; see Recommendation 4 in the TSG Report, pp.6-7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=6>

<sup>5</sup> Any changes in RZ-LGR brought about by a process outside the LGR Procedure would invalidate the RZ-LGR and thus the definition of the variant TLD, as stated in the LGR Procedure. TSG suggests how to address such a challenge by remaining within the LGR Procedure.

<sup>6</sup> See Implementation Guidance 25.3 in the SubPro Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

<sup>7</sup> It is important to recognize that the RZ-LGR can be updated to include additional scripts as long as it is done in compliance with the LGR Procedure. The practical limitation, however, is that the time to create an LGR script proposal varies greatly (i.e. months or years). See Recommendation 5 in the TSG report, p.7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=7>; for additional context and rationale, see Appendix A of the Recommendations for Technical Utilization of RZ-LGR, pp.11-12: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=11>

<sup>8</sup> See Recommendation 14, SAC060, p. 20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

<sup>9</sup> See Recommendation 6 in the TSG report, p.7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=7>

<sup>10</sup> See Appendix C of the IDN Variant TLD Implementation: Appendices, pp. 12-29:

<https://www.icann.org/en/system/files/files/idn-variant-tld-appendices-25jan19-en.pdf#page=12>

<sup>11</sup> One of the security and stability concerns is that some scripts can generate large numbers of variants based on the way the LGR works. The RZ-LGR Procedure manages such numbers by minimizing allocatable variant labels and maximizing blocked variant labels. However, though this approach is optimal in most cases, the outcome may be worse for a specific label in some cases.

<sup>12</sup> See Recommendation 7 in the TSG report, p.8: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=8>

<sup>13</sup> See Recommendation 12 in the TSG report, p.9: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=9>



introduce confusion risks that rise above commonplace similarities, consistent with SAC052 and Joint ccNSO-GNSO IDN Workgroup (JIG) report.<sup>14</sup>

What mechanism or criteria should be used to identify the scripts/languages appropriate for single-character TLDs? Once those scripts/languages are identified, what mechanism or criteria should be used to identify a specific list of allowable characters which can be used as a single-character TLD within such scripts/languages? Should any specific implementation guidance be provided? Furthermore, should the relevant GP tag these code points in the RZ-LGR for a consistent analysis and to ease their identification and algorithmic calculation?<sup>15</sup>

**a8)** What additional aspects of gTLD policies and procedures, which are not considered in the above charter questions, need to be updated to ensure that the validation of existing TLD labels and calculation of variant labels depend exclusively on the RZ-LGR in a consistent manner?

**a9)** A given label in an Internationalized Domain Label (IDL) set may be in one of the following non-exhaustive status: delegated, withheld-same-entity, blocked, allocated, rejected. The WG and the SubPro IRT to coordinate and develop a consistent definition of variant label status in the IDL set.

**a10)** Individual labels in an IDL set may go through the following possible status transformations:

- **from “withheld-same-entity” to “allocated”**: Allocation only to the same entity as another label in the IDL set. This change happens if a variant was not initially requested for allocation and later is. Allocating withheld labels would be the application process for a variant TLD.
- **from “blocked” to “withheld-same-entity”**: A later LGR may broaden the available labels in the IDL set. Such possible labels automatically become withheld-same-entity.
- **from “allocated” to “delegated”**: Happens when name servers are added. (Not new.)
- **from “delegated” to “allocated”**: If a domain is removed from the DNS, the allocation can remain in place anyway. Rare in the root zone, but not new.
- **from “rejected” to “withheld-same-entity”**: Every Rejected label is automatically Withheld-same-entity as well. If the Rejected status comes off, the label can be handled as any other Withheld-same-entity label.

Note that an allocated or withheld-same-entity label cannot become blocked unless a new version of the LGR makes this possible.

The WG and the SubPro IRT to coordinate and consider the following questions in order to

<sup>14</sup> See Recommendation 25.4 in the SubPro PDP Final Report, p.115:<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 1 in SAC052, p.8: <https://www.icann.org/en/system/files/files/sac-052-en.pdf#page=8>; the SubPro PDP does not believe it has the relevant expertise to make this determination and would welcome the identification of the limited set of scripts and languages and potentially a specific list of allowable single-characters (e.g., during implementation), which will substantially increase the predictability of what will likely still remain a case-by-case, manual process. See Rationale for Recommendation 25.4 in the SubPro PDP Final Report, pp.116-117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>

<sup>15</sup> See Annex B of the Recommendations for the Technical Utilization of the RZ-LGR, p.13: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=13>

develop a consistent solution: what is the procedure to change the label status for individual variant labels?

## **IDN Variant TLD Management**

### **B. “Same entity” at the top-level**

**b1)** Both the SubPro PDP and the Staff Paper recommend that variant TLDs that ICANN delegates must have the “same entity” as the sponsoring organization and the “Registry Operator” be used as the definition of the “same entity” at the top-level.<sup>16</sup>

Should this recommendation be extended to existing TLDs?

**b2)** Both the SubPro PDP and the Staff Paper recommend that variant TLDs be operated by the same back-end registry service provider, the organization providing one or more registry services (e.g., DNS, DNSSEC, RDDS, EPP) for a registry operator.<sup>17</sup>

Should this recommendation be extended to existing TLDs and their variant TLD labels?

**b3)** Beyond having the same Registry Operator and same back-end registry service provider, as referenced in b1) and b2), is there a need for additional constraints for the same entity requirement for the top-level ?<sup>18</sup> If so, the rationale must be clearly stated.

**b4)** The policy recommendation advises that variant TLD labels be allocated to the same entity, however a process to apply for a variant TLD does not exist. The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: what should an application process look like in terms of timing and sequence for an existing and future Registry Operator with respect to applying or activating their allocatable variant TLD labels?

**b4a)** For the variant labels with status “withheld for the same entity” (i.e. not requested for allocation in the application process), what role do they play?

**b5)** Do restrictions that apply to a TLD (e.g., community TLDs, dot brand TLDs) also apply to its variants? Are these labels equally treated as different versions of the same string, or completely independent strings not bound by the same restrictions?

### **C. “Same entity” at the second-level:**

**c1)** 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”.<sup>19</sup>

Should this recommendation be extended to existing second-level labels?



**c2)** Currently Registry Operators may activate the IDN variant labels at the second-level when requested by the sponsoring Registrar of the canonical name as described in the IDN Tables and IDN Registration Rules.<sup>20</sup> Both the SubPro PDP and the Staff Paper recommend that at the second-level, the same entity definition can be achieved by ensuring that the registrant is the same.<sup>21</sup>

Should this recommendation be extended to the already activated IDN variant labels at the second-level? How does the “same entity” requirement impact the current rules for Registry Operators for activating IDN variant labels?

**c3)** The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: what is the appropriate mechanism to identify the registrant as the “same entity” at the second-level for future and existing labels?

The Staff Paper recommends using ROID to ensure that the same label beneath all variant labels is allocated to the same entity.<sup>22</sup> However, some registrars in practice may not reuse contact objects for different registrations by the same registrant, and there is no existing data on the number/percentage of ICANN accredited registrars that reuse contact ROID.<sup>23</sup>

Is ROID a reasonable mechanism to determine the same registrant at the second-level for both future and existing labels? If not, what mechanism/functional definition can be used to ensure the second-level variant labels are allocated to the same entity for both current and

<sup>16</sup> See Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 2 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2 in the Staff Paper, pp.6-7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=6>

<sup>17</sup> See Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 7 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

<sup>18</sup> The initial set of IDN variant TLD management recommendations proposed for public comment also required that the IDN variant TLDs be implemented using the same nameservers, unless otherwise justified. However, that recommendation is now removed based on the feedback received by the community asking for more operational flexibility in the implementation of IDN variant TLDs.

<sup>19</sup> See Recommendation 25.6 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 3 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; Recommendation 25.7 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 4 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

<sup>20</sup> See Section 2.2 in the “Standard Amendment Language, Add Internationalized Domain Names (IDNs) - May Activate Variants” here: <https://www.icann.org/en/system/files/files/standard-amendment-language-add-idns-may-activate-variants-14jun19-en.pdf>

<sup>21</sup> See Rationale for Recommendation 25.6-25.8 in the SubPro PDP Final Report, pp.117-118: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2.1 in the Staff Paper, p.7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>

<sup>22</sup> Besides ROID, the Staff Paper also includes additional options to achieve the same entity requirement: having all the registrant fields be the same (without considering the ROID) for both names; having a core subset of the registrant fields be the same (without considering the ROID) for both names; or requiring a cryptographic probe that both registrants are indeed the same. See Section 3.2.1 in the Staff Paper, p.7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=7>

<sup>23</sup> If a large portion of registrars do not reuse contact objects (ROID) for registrant, then changing the status quo would be a major development undertaking for a potentially small market for variants. Note that for interoperability virtually all registrars would need to support the same “glue” method to support inter-registrar transfers.

future TLDs? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

**c3a)** If the Working Group determines to use ROID as the mechanism to identify the registrant as the “same entity” at the second-level, are there additional requirements to ensure the “same entity” principle is followed?<sup>24</sup>

**c4)** A registry TLD may offer registrations using different IDN tables to support different languages or scripts.<sup>25</sup> In case multiple IDN tables are offered, IDN tables should produce a consistent set of second-level variant labels to help achieve the security and usability goals for managing variant labels in a stable manner, promoting a good user experience.<sup>26</sup>

As such, the Staff Paper recommends that IDN tables of variant TLDs be mutually coherent, i.e. any two code points (or sequences) that are variants in TLD ‘t1’ cannot be non-variants in variant TLD ‘t1v1’.<sup>27</sup> This recommendation also implies that any two code points (or sequences) that are variants in IDN Table A for TLD t2, which does not have any variant TLD, cannot be non-variants in another IDN Table B for the same TLD t2.<sup>28</sup>

Should the second-level IDN tables offered under a TLD, including IDN variant TLDs, be required to be mutually coherent? If yes, how should existing registrations which may not meet the “mutually coherent” requirement of second-level IDN tables be addressed? Rationale must be clearly stated.

**c4a)** Notwithstanding that IDN tables need to be mutually coherent, the SubPro PDP and the Staff Paper recommend that the set of allocatable or activated second-level variant labels may not be identical across the activated IDN variant TLDs. Meaning, their behavior/disposition can be different.<sup>29</sup>

Under the conditions above, may the set of allocatable or activated second-level variant labels not behave identically under an individual TLD, which does not have any variant TLD label?

<sup>24</sup> If the same contact ROID or functional equivalent is used to identify registrants, no registrant metadata syncing is needed, as the registrant metadata is automatically the same for all registrants of every allocated variant based on ROID. This also means that issues around privacy and proxy services are addressed, because the privacy or proxy service must still generate a contact ROID (or its functional equivalent) for the registrant. However, the Staff Paper notes that if a registration system does not use contact objects, a requirement about registrant metadata syncing will be needed to ensure the “same entity” rule. See Section 3.9.1 in the Staff Paper, p.22: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>

<sup>25</sup> Registry TLD refers to a single TLD in a RA, not the Registry Operator which may operate one or more TLDs.

<sup>26</sup> See “Motivation, Premises, and Framework” section of the Staff Paper: <https://www.icann.org/en/system/files/files/idn-variant-tld-motivation-premises-framework-25jan19-en.pdf>

<sup>27</sup> The intent of the recommendation is that a given TLD’s IDN tables be harmonized, not all of the Registry Operator’s IDN tables for all the TLDs it operates, but with exception of variant TLDs that the Registry Operator also operates. See Recommendation 5 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

<sup>28</sup> The Staff Paper does not explicitly make such recommendation with respect to a given TLD that does not have variants, but the proposed IDN Implementation Guidelines 4.0 recommends such.

<sup>29</sup> See Recommendation 25.8 in the SubPro PDP Final Report, p.116: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>; Recommendation 6 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

**c5)** There is existing practice by registries to harmonize IDN tables, but there is no data on the various methods they may have used. The Staff Paper suggests maintaining a common set of harmonized second-level IDN tables for all IDN variant TLDs and then (a) choosing all these IDN tables to offer for all IDN variant TLDs, or (b) choosing a relevant different subset of IDN tables to offer for each different IDN variant TLD.<sup>30</sup>

The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: are the above suggested methods in the Staff Paper sufficient for IDN table harmonization purposes? Should any additional implementation guidance be provided for a registry?

**c6)** To facilitate the harmonization of IDN tables, the Staff Paper recommends that IDN tables for the second-level be formatted in the machine readable LGR format specified in RFC 7940, Representing Label Generation Rulesets Using XML.<sup>31</sup> However, each Registry Operator can harmonize the IDN tables today via software development solutions or are already in process of doing so.

The WG and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution: should Registry Operators be required to use the machine readable LGR format as specified in RFC 7940 for their second-level IDN tables? Or should Registry Operators have the flexibility to resolve the harmonization issue so long as it can predictably and consistently produce the same variant labels, albeit with different disposition values, across the same-script IDN tables? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

#### **D. Adjustments in registry agreement, registry service, registry transition process, and other processes/procedures related to the domain name lifecycle:**

**d1)** The same entity principle for variant TLDs -- having the same registry operator and the same back-end registry service provider for gTLD and its variant labels at the top-level -- needs to be effectuated legally and operationally.

From a legal standpoint there will be a binding document(s) between ICANN and the registry operator (e.g., Registry Agreement), which should memorialize the relationship between each allocated TLD and its variant labels, as well as the obligations to maintain such condition during the life of the contract(s).

From an operational standpoint, an application process, testing of registry services, fee structure, and other aspects need to be defined and developed.

The EPDP should discuss and develop the proper legal and operational framework in order to strike a balance between conservatism, innovation, adoption and other aspects of the IDN

<sup>30</sup> See Section 3.5.1 in the Staff Paper, p.14: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=14>

<sup>31</sup> See RFC 7940 here: <https://www.rfc-editor.org/info/rfc7940>; Section 3.3.1 in the Staff Paper, pp.9-10: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=9>

implementation. The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution:

**d1a)** A TLD is subject to a Registry Agreement with ICANN. In case of IDN variant TLDs, ICANN would execute the Registry Agreement with the same entity but potentially diverge in future Registry Agreement amendments, addendums, and renewals. Should each TLD label be the subject of a separate Registry Agreement with ICANN?<sup>32</sup> If not, should each TLD label along with its variant labels be subject to one Registry Agreement with the same entity? Rationale for such definition must be clearly stated along with the answer, including goals and motivations.

**d1b)** What should be the process by which an existing registry operator could apply for, or be allocated, a variant for its existing gTLD? What should be the process by which an applicant applying for a new IDN gTLD could seek and obtain any allocatable variant(s)? What should be the associated fee(s), including the application fees and annual registration fees for variant TLDs? Should any specific implementation guidance be provided?<sup>33</sup>

**d2)** In order to ensure that the same entity principle is maintained for a gTLD and its allocated variant TLD labels, what are the operational and legal impacts to the:

- Registry Transition Process or Change of Control in the Registry Agreement;<sup>34</sup>
- Emergency Back-End Registry Operator (EBERO) provisions; and
- Reassignment of the TLD as a result of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP)?<sup>35</sup>

<sup>32</sup> Based on the premise that an IDN variant TLD label is a TLD label with its status indistinguishable from any other TLD label in the root zone, the Staff Paper recommends that each variant TLD would be the subject of a separate Registry Agreement with ICANN, as each variant TLD is, in effect, one a TLD. See Section 3.6 in the Staff Paper, p.15:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=15>

<sup>33</sup> SubPro PDP did not have substantive discussion about this question. Some SubPro PDP members believe that allocatable variant TLDs should be made available to IDN gTLD registry operators and applicants, with only limited procedures and costs in place. As these deliberations arose late in the SubPro PDP's life cycle, the group elected to only recommend the "same entity" principle for variant TLDs but refrained from providing recommendations on how variant TLDs can be obtained. However, SubPro includes in its recommendation that the "same entity" policy for the top-level must be captured in the relevant Registry Agreement. See Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117:

<https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117> and Recommendation 25.5 in the SubPro PDP Final Report, p.115:

<https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

<sup>34</sup> The Staff Paper recommends that each set of registry agreement(s) must contain provisions requiring all the labels in the Internationalized Domain Label (IDL) set to follow the same process in the event of any registry transition via a Registry Transition Process or Change of Control. In no event, should the composition of the allocated and delegated set of variant TLDs be allowed to change at the same time as the change of the Registry Operator. The SubPro PDP also agrees that to the extent that the TLD were to change hands at any point after delegation, the variant TLDs must remain linked contractually, which should be considered a persistent requirement (e.g., this would impact gTLD registry transition procedures). See Section 3.6 in the Staff Paper, p.15: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=15> and Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117:

<https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>

<sup>35</sup> The Staff Paper recommends that an emergency transition of a TLD to an EBERO must trigger an emergency transition of all variant TLDs to the EBERO. In addition, the SubPro PDP also agrees that EBERO would be impacted due to the persistent requirement of ensuring that variant TLDs must remain linked contractually. See Section 3.6 in the Staff Paper, p.16:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16> and Rationale for

**d3)** In order to ensure that the same entity principle is maintained, what are the operational and legal impacts to the data escrow policies, if any.<sup>36</sup>

**d4)** Regarding second-level domain names, should a variant set behave as one unit, i.e. the behavior of one domain name is replicated across the other variant domain names? Or should each variant domain name have its own independent domain name life cycle?<sup>37</sup> Consider the operational and legal impact of the “same entity” principle, if any, to all aspects of a domain name lifecycle, including but not limited to:

- Registration, including registration during the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration
- Update
- Renewal
- Transfer
- Lock
- Suspension
- Expiration
- Redemption
- Deletion

**d5)** For reporting and fee accrual purposes, should each variant domain name be considered an independent registration? Or should such variant labels be considered as an atomic set (irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered)? Rationale for such definition must be clearly stated. Should any specific implementation guidance be provided? For example, what would be the impact to the registration payment at the Registry Operator level and at ICANN org?

**d6)** To ensure that the “same entity” principle is followed, the transfer of a domain name registration to a new entity -- voluntary or involuntary, and inter-registrants or inter-registrars -- should result in transfer of all variant domain names (i.e., if s1.t1 is to be transferred, s1.t1, s1.t1v1, s1v1.t1 and s1v1.t1v should all be transferred).

The WG, the Transfer Policy PDP, and the RPM PDP Phase 2 to coordinate and consider the following questions in order to develop a consistent solution: to what extent should the

Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>. In the case where a Registry Agreement is terminated as a result of a TM-PDDRP determination, this would trigger the Registry Transition Procedure and various outcomes could apply. The Staff Paper notes that in the case of a reassignment of the TLD, the same entity rule should continue to apply so that the variant TLDs would be assigned to the same entity together. See Section 3.7 in the Staff Paper, p.18: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

<sup>36</sup> Data escrow is the act of storing data with a neutral third party in case of registry or registrar failure, accreditation termination, or accreditation relapse without renewal. ICANN requires all registrars and gTLD registries to contract with a data escrow provider in order to safeguard registrants. Because each variant of the IDL set is just another registration, data escrow policies for TLDs apply individually to each. The Staff Paper notes that the data escrow requirements are automatically satisfied for variant TLDs. See Section 3.9.2 in the Staff Paper, p.22: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>

<sup>37</sup> One view is that if each variant allocation is simply a different registration, it follows that names can be created and can expire at different times, despite the “same-entity” rule. See Section 3.9.4 in the Staff Paper, p.22: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>. Another view is that if each variant allocation is supposed to be the same registration, it follows that names should expire at the same time, however some registry operators may implement it differently and consider them billable transactions instead.



Transfer Policy be updated to reflect domain name relationships due to variants and the “same entity” requirement?

**d6a)** Should transfers ordered by the Uniform Domain-Name Dispute-Resolution Policy (UDRP) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?<sup>38</sup>

**d7)** Should the policies and procedures related to domain name suspension be updated to ensure that the “same entity” principle is followed for all variant domain names (i.e., if s1.t1 is to be suspended, s1.t1v1, s1v1.t1 and s1v1.t1v1 should all be suspended)? In other words, if one domain label is suspended, either voluntarily or involuntarily, should all the variant labels related to that domain be suspended?

**d7a)** Should the suspensions ordered by the Uniform Rapid Suspension System (URS) or any other dispute resolution mechanisms be treated the same way to follow the “same entity” requirement?<sup>39</sup>

**d8)** What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule? For example, the Staff Paper recommends that the following requirements must be included in the Registry Agreement; some of the charter questions are also related to those topics.<sup>40</sup>

- Subordinate names allocated by the Registry Operator in the TLD be treated as an atomic set. This is true irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered. **[related to questions c1, d4, d5]**
- All the different IDN tables being used by the IDN gTLD and its variant gTLDs be harmonized. **[related to questions c4, c5]**
- All the IDN variant TLDs be implemented through the same registry service provider, to promote a consistent and stable implementation across all such variant TLDs. **[related to questions b2, b4]**

Are there any additional updates that need to be considered that are not included in this list?

#### **E. Adjustments to objection process, string similarity review, string contention resolution, reserved strings, and other policies and procedures:**

*This Charter recognizes the processes established by the SubPro PDP and the inclusion of questions here is not to amend the structure or framework of those processes but rather, to ensure that they are able to properly accommodate variants and follow the same entity principle for existing and future gTLDs.*

<sup>38</sup> See more details about the UDRP related discussions in Section 3.7 in the Staff Paper, pp.17-18:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=17>

<sup>39</sup> See more details about the URS related discussions in Section 3.7 in the Staff Paper, p.18:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

<sup>40</sup> Section 3.6 in the Staff Paper, p.16: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16>:

**e1)** In considering the conclusion(s) with respect to question **b4a)**, what role, if any, do TLD labels “withheld for possible allocation” or “withheld for the same entity” play vis-a-vis:

- objection process; and
- string similarity review process?

**e2)** Under the rules of the most recent gTLD application round, there are four criteria for objections to a string (see *gTLD Applicant Guidebook*, version 2012-06-04, section 3.2.1).<sup>41</sup> The SubPro PDP has also affirmed the continuation of these four criteria for objections to a string, while proposing recommendations and implementation guidance to enhance/adjust these criteria.<sup>42</sup>

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **objection** process for the variant label applications of existing and future TLDs.

**e3)** In the Initial Evaluation for new gTLD applications, a proposed applied-for TLD is checked against several criteria as part of the string similarity review process (see *gTLD Applicant Guidebook*, version 2012-06-04, section 2.2.1.1.1).<sup>43</sup> The SubPro PDP affirmed these standards, while proposing recommendations and implementation guidance to enhance the process.<sup>44</sup>

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **string similarity review** procedure for variant label applications of existing and future gTLDs.<sup>45</sup>

**e3a)** After a requested variant string is rejected as a result of a string similarity review, should the other variant strings in the same variant set remain allocatable? Should

<sup>41</sup> The four criteria are: String Confusion Objection; Legal Rights Objection; Limited Public Interest Objection; and Community Objection.

<sup>42</sup> See “Topic 31: Objections” in the SubPro PDP Final Report, pp.145-154: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=145>

<sup>43</sup> These criteria are: existing TLDs and reserved names; other applied-for strings; strings requested as IDN ccTLDs; and applied-for 2-character IDN gTLD strings against every other single character and any other 2-character ASCII string.

<sup>44</sup> See “Topic 24: String Similarity Evaluations” in the SubPro PDP Final Report, pp.108-114:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=108>

<sup>45</sup> The Staff Paper recommends that the string similarity process to compare strings under consideration not just against all allocated or applied-for strings, but also all variants of those strings (including allocatable, withheld-same-entity, and blocked). For example, if a string is merely withheld-same-entity and a second string is visually similar, then allocating the second string undermines the predictability of the outcome of variant processing from the RZ-LGR. Similarly, if a string is blocked under the RZ-LGR, but a visually similar string is allocatable, then the second (visually similar) string might become a “work around” for the blocked string. This approach is maximally conservative. It is nevertheless worth noting that this expands considerably the number of strings that might need to be considered; the entire similarity review process will consequently probably become more expensive to operate. See Section 3.8 Adjustments in String Similarity Process in the Staff Paper, pp.18-19:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

Staff Paper further recommends that in the event that two or more applied-for variant strings are visually similar, they may only be allocated if they are associated with the same variant set and are being requested by the same entity. In case of such conflicts across variants, the entire IDL set gets processed as one contention set; if one of the labels is already allocated, the contention is resolved in favor of the current operator. The Staff Paper recommends that it is necessary to perform the visual similarity checks for every requested-to-be-allocated variant in any given set against all the possible variants in every other set. This is because such an available variant could be requested at any time in the future. See Section 3.8.1 in the Staff Paper, pp.20-21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=20>



individual labels be allowed to have different outcomes/actions (e.g., some labels be blocked and some be allowed to continue with an application process)?<sup>46</sup>

**e4)** Under current procedures, resolution of string contention for applied for gTLD strings may include components such as a settlement between the parties, a community priority evaluation (if a community-based applicant in a contention set elects this option), and an auction. SubProp PDP affirmed these components while proposing recommendations and implementation guidance to enhance the mechanisms for string contention resolution.<sup>47</sup>

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **string contention resolution** mechanism for variant label applications of existing and future new gTLDs.<sup>48</sup>

**e5)** The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: should the **reserved strings** ineligible for delegation for existing and future gTLDs be updated to include any possible variant labels? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

**e6)** The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: is there any reason to permit the registration of gTLDs consisting of decorated two-character Latin labels which are not variant labels of any two-letter ASCII labels?<sup>49</sup> If so, rationale must be clearly stated.

**e7)** Besides the objection process, string similarity review, and string contention resolution, what other ICANN policies and procedures should be updated to enforce the “same entity” rule and the use of RZ-LGR as the sole source to calculate the variant Labels and disposition values?<sup>50</sup> See the list of ICANN Consensus Policies here:

<https://www.icann.org/resources/pages/registrars/consensus-policies-en>

<sup>46</sup> The Staff Paper recommends that the following outcomes may be considered: 1) only the variant string requested for delegation is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected while t1v1 and t1v3 from the same variant set continue to remain allocatable; or 2) the entire variant set is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected including t1v1 and t1v3 from the same variant set as t1v2. This outcome appears to be difficult to justify, though an applicant could decide that, if it cannot receive t1v2 then it does not wish to proceed with the application. See Section 3.8.2 in the Staff Paper, pp.21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>

<sup>47</sup> See “Topic 35” in the SubPro PDP Final Report, pp. 173-182: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=173>

<sup>48</sup> For contention issues that involve the same entity, the Staff Paper suggests that the following resolution options may be considered, with a preference to the second option: 1) When the requested variant strings are placed in a contention set for later evaluation, the applicant is notified of the contention set and has the opportunity to establish that both applications are from the same entity. 2) It may be more efficient to establish early on in the string similarity review that the variant strings are being requested by the same entity prior to reaching the contention phase. See Section 3.8.2 in the Staff Paper, p. 21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>

<sup>49</sup> The ccTLD labels in the root depend on an external registry (ISO 3166) that allocates alphabetic codes to countries. In order to ensure that no conflicts with future assignments by ISO can happen, ICANN has traditionally also maintained a restriction against the use of two-letter TLDs for all Latin script letters; no variants should be generated for ccTLDs based on the ISO3166 codes. This principle is also reaffirmed by the SubPro PDP. See Recommendation 21.6 in the SubPro Final Report, p.95: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=95>

<sup>50</sup> IDN Variant TLD Implementation Staff Paper: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jul18-en.pdf>

## F. Adjustments in registration dispute resolution procedures and trademark protection mechanisms:

**f1)** Trademark Clearinghouse (TMCH) mechanism functions include authenticating information from rights holders and providing this information to registries and registrars. Recording a trademark with the TMCH provides a rights holder with access to Sunrise registration periods in new gTLD registries and the Trademark Claims services. If Registry Operator has implemented IDN variant registration policies for the TLD, Registry Operator MAY allocate or register IDN variant labels generated from a label included in a valid SMD file during the Sunrise Period, provided that (i) such IDN variant registration policies are based on the Registry Operator’s published IDN tables for the TLD and (ii) such policies are imposed consistently in the Sunrise Period, any Limited Registration Period, any Launch Program and during General Registration.<sup>51</sup>

The Review of All Rights Protection Mechanisms (RPMs) in All gTLDs PDP Phase 1 recommends maintaining the TMCH’s current “exact match” rules, the current availability of Sunrise registrations only for identical matches, and the current exact matching criteria for the Claims Notice.<sup>52</sup>

In considering the information above, are there any adjustments to the TMCH and its Sunrise and Trademark Claims services needed?<sup>53</sup> Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

**f2)** In order to ensure that the “same entity” principle is maintained, what are the additional operational and legal impacts to the following RPMs that are not considered in the above charter questions, which mostly concern the outcomes or remedies of dispute resolution procedures or trademark protection mechanisms?

- TMCH and its Sunrise and Trademark Claims services
- URS
- TM-PDDRP
- UDRP

<sup>51</sup> See section 2.4.2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements:

<http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf>

<sup>52</sup> See RPM Phase 1 Final Report, TMCH Final Recommendation #2, Sunrise Final Recommendation #4, and Trademark Claims Final Recommendation #4 on pp.35-36, 44, and 52-53 here: <https://gnso.icann.org/sites/default/files/file/field-file-attach/rpm-phase-1-proposed-24nov20-en.pdf>

<sup>53</sup> SAC060 points out that in the current design of RPMs related to the TMCH process, there is a risk of homographic attacks. From a security and operations perspective, domain names that contain variants of a mark must be protected during the Sunrise and Claims Period. SSAC advises two ways to handle variants and TMCH to achieve such protections; each has benefits and downsides: 1) variant calculation at the registry level, and checking TMCH for the existence of marks for variants in the calculated variant set; 2) variant calculation and checking inside the TMCH in addition to the already defined matching algorithm TMCH uses. See more information in SAC060, recommendation 10 on pp.16-18: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=16> SAC060 further argues that the “exact match” as defined by TMCH is not really an identical match as in “bit-by-bit” or “character-by-character comparison” as a transformation stage is included before the actual matching. From a technical standpoint, the transformation stage currently as specified from is unclear and does not take non-ASCII based scripts into account. See SAC060, Recommendation 12, pp.19-20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=19>. The SSAC also advises that during the Trademark Claims service, a name registered under a TLD that has variant TLDs should trigger trademark holder notifications for the registration of the name in the TLD and all its allocated variant TLDs. See SAC060, Recommendation 13, p.20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

## IDN Implementation Guideline

### G. Process to update the IDN Implementation Guidelines

**g1)** What should be the proper vehicle to update the IDN Implementation Guidelines?<sup>54</sup>

**g1a)** Given that the contracted parties are contractually bound to adhere to the IDN Implementation Guidelines, is there a need for a separate legal mechanism specifically for the implementation of IDNs among gTLDs, as well as a general guideline for any registry (including ccTLD registries) that wishes to implement IDNs?

### **Deliverables:**

The WG shall respect the timelines and deliverables as outlined in [Annex A](#) and Annex A-1 of the ICANN Bylaws, the [EPDP Manual](#), and the [PDP Manual](#).

For the avoidance of doubt, the following sections of the PDP Manual shall not apply to an EPDP:

- Section 2 (Requesting an Issue Report);
- Section 4 (Recommended Format of Issue Report Requests);
- Section 5 (Creation of the Preliminary Issue Report);
- Section 6 (Public Comment on the Preliminary Issue Report); and
- Section 7 (Initiation of the PDP)

Except as otherwise expressly modified or excluded herein, all other provisions of the PDP Manual shall apply in full to an EPDP, including without limitation the publication of an Initial Report for public comments. In the event of a conflict in relation to an EPDP between the provisions of the PDP Manual and the specific provisions in the EPDP Manual, the provisions herein shall prevail.

As its first deliverable, the WG is expected to deliver to the GNSO Council a **work plan**, in addition to other project management products that help plan, guide, track, and report the progress of the WG from start to finish, and include the necessary data and information to help the GNSO Council assess the progress of the WG. See more details in Section III. of this charter.

At the minimum, the WG shall complete the following deliverables:

- An **Initial Report** which includes preliminary recommendations that stem from the charter questions as noted in the “Mission and Scope” section of this Charter, as well as other items that were considered and deliberated upon by the WG.
- A **Final Report** following review of public comment for the Initial Report.

The WG has the discretion to produce additional outputs or deliverables for public comment opportunities as it deems appropriate.

Furthermore, the WG should identify a **set of metrics** to measure the effectiveness of the policy recommendations. The identification, attainment, and analysis of metrics/data should be based on how they address the challenge of achieving security and usability goals for IDN variants in a stable

<sup>54</sup> ccPDP4 refers to the Country Code Names Supporting Organization’s Policy Development Process on the Selection and Deselection of IDN ccTLD Strings. The process to update the RDAP Profiles is being developed by the Contracted Parties and ICANN org as part of their ongoing contractual negotiations. A DT member suggested that once that is finalized, the EPDP Working Group may want to consider that as a model for updating the IDN Guidelines.

manner. Current state baselines of the policy and initial benchmarks shall also be identified. Metrics may include but not limited to:

- ICANN Compliance data;
- Industry metric sources;
- Community input via public comment;
- Surveys or studies.

If the WG concludes with **any recommendations**, the WG should also provide a high-level framework or **implementation guidance** to the subsequent policy Implementation Review Team for their consideration when implementing the recommendations after the ICANN Board adoption.

### Data and Metric Requirements:

The WG may consider collecting the following suggested data and metrics as a starting point to assist its deliberations. However, the WG has the discretion to determine what specific data and metrics it wishes to collect to meet the purposes below.

1. Determine a set of questions which, when answered, provide the insight necessary to achieve the policy goals.

See all the questions under “scope & charter questions” of Section II: Mission, Purpose, and Deliverables

2. Determine whether certain data is required to help understand a specific issue or answer a charter question (charter question numbers are indicated next to the data points).

- Using the latest version of the RZ-LGR determine the variant labels of the 2012 New gTLD Round and determine whether the list of calculated variants match those that were identified by the applicant (a2)
- Time needed to create an LGR script proposal and frequency a RZ-LGR is updated (a4, a6)
- Methods used to establish the same entity at the second-level by the same Registrar and across different Registrars (c3, c3a)<sup>55</sup>
- Number of registries that use the machine readable LGR format specified in RFC 7940 for second-level IDN tables (c6)
- Using the latest version of the RZ-LGR determine the variant labels, if any, of i) all delegated gTLDs, and ii) all ICANN reserved TLD labels. Determine whether the calculation is consistent with reality or whether any exceptions need to be considered (e5)
- Breakdown of the scripts/languages represented in a validated and active trademark in the TMCH (f1)

3. Determine a set of data and metrics which can be collected and analyzed to help answer the specific question.

See data points under item 2 above.

4. Submit a Working Group Metrics Request Form (see GNSO Working Group Guidelines Section 4.5), if data gathering at the charter drafting phase or during the working phase is deemed necessary.

<sup>55</sup> At the charter drafting phase, no extensive survey requiring budget allocation or potential third party involvement was envisioned to collect the suggested data point. The GNSO Council Charter Drafting Team envisioned that a questionnaire may be developed by the WG and distributed to the contracted parties via ICANN org. Nevertheless, the WG has the discretion to determine what specific data and metrics it wishes to collect and what methods to collect them.

At the charter drafting phase, no metrics request is deemed necessary. WG leaders shall review the [Checklist: Criteria to Evaluate Request for Data Gathering](#) to understand the need for performing due diligence before submitting a data gathering request to the GNSO Council.

### Section III: Project Management

#### Work Product Requirement:

The WG leadership, in collaboration with the WG support staff and GNSO Council liaison, shall use a standard set of project management work products that help plan, guide, track, and report the progress of the WG from start to finish, and include the necessary data and information to assess the progress of the WG. These work products include but not limited to:

- Work Plan
- Summary Timeline
- Project Situation Report
- Project Plan
- Action Items

See the full suite of work products in the [GNSO Project Work Product Catalog](#).

Specifically, the WG is expected to deliver its work plan to the GNSO Council as its first deliverable. The work plan is expected to include a proposed sequence to address the topics covered in this charter, a map of dependencies among these topics, as well as a realistic estimated time frame to complete its work.

The WG may choose to conduct its work in one, two, or multiple phase(s) based on the sequence of topics that it identifies. Consequently, the WG has the discretion to produce additional outputs or deliverables for public comment opportunities as it deems appropriate.

#### Project Status & Condition Assessment:

The WG leadership, in collaboration with the WG support staff and the GNSO Council liaison, shall assess the Status and Condition of the project at least once a month. Such frequency is required in preparation for the GNSO Council monthly meeting, where At-Risk or In-Trouble projects are subject to review by GNSO Council leadership, and in some instances may be deliberated by the full GNSO Council.

The WG leadership, in collaboration with the WG support staff and the GNSO Council Liaison, shall use an [escalation procedure](#), which defines specific conditions that trigger the execution of a repeatable mitigation plan. The objective of this exercise is to return the project to an acceptable state ultimately achieving its planned outcomes.

#### Project Change Request:

The WG shall submit a [Project Change Request \(PCR\) Form](#) to the GNSO Council when its deliverable and baseline delivery date are revised. The PCR shall include a rationale for why these changes were made, their impacts on the overall timeframe of the PDP or any other interdependencies, and a proposed remediation plan.

The use of the PCR mostly occurs when primary deliverable dates are changed due to unforeseen or extreme circumstances. However, it can also be used to document changes in the deliverable requirements that may not have been identified in the chartering process.

When the PCR is required, it should be completed by the WG Chair and it will likely be presented to the GNSO Council for approval.

### Resources Tracking:

The purpose for resource tracking is to deliver its work according to the work plan and be responsible for managing these resources.

For projects where dedicated funds are provided outside of budgeted policy activities, the WG shall provide regular budget versus actual expense reporting updates using a GNSO approved tool to allow for a better tracking of the use of resources and budget.

## Section IV: Formation, Staffing, and Organization

### Working Group Model:

**Working Group Model:** Representative + Open Model (Members + Participants + Observers)

**Rationale:** The “Representative + Open Model” is chosen to enable the WG to conduct and conclude its work in an efficient/effective manner while satisfying the outreach purpose to have an inclusive community participation.

A limited number of ICANN community members have prerequisite knowledge, background, or expertise in the subject matter. As a result, a limited number of Members appointed by specified community groups, who must possess a level of expertise as detailed in the “Membership Criteria” section in this charter, should drive the deliberations of the WG and participate in the consensus designation process for final recommendations.

Nevertheless, as the IDN topic is of interest to the broader ICANN community and impacts various stakeholders, the WG welcomes anyone to join as a Participant, who can attend and actively participate in all WG meetings, with the exception of the consensus designation process. Participants are encouraged to possess similar levels of expertise as Members and continuously engage in the WG deliberation throughout its lifecycle in order to effectively participate and contribute input.

### Membership Structure:

**Role Descriptions:** All persons actively participating in the Working Group (i.e., Members and Participants) are expected to abide by the Statement of Participation, which is enforceable by the WG Chair and GNSO Council Leadership Team. See Section V. for details.

- **Members:** Members are expected to participate during the course of deliberations and in any WG consensus calls. Members are expected to represent the view of their appointing organization, and may be called on to provide the official position of their appointing organization. Members are required to have a level of expertise in IDN issues, ICANN policies and procedures as they relate to IDNs, and registry/registrar services and domain name life cycle. See “Membership Criteria” section of this charter for more details.

In the event a GNSO SG/C or SO/AC is unable to nominate a Member, at least one Participant should be responsible for keeping their respective group informed of milestones and potential recommendations that may affect the group.

- **Participants:** Participants may be from a GNSO SG/C or SO/AC, or may be self-appointed and derive from within the ICANN or broader community. Participants will be able to actively participate in and attend all WG meetings. Participants are encouraged to participate in the WG deliberation throughout its lifecycle and are expected to keep up with all relevant WG deliberations to ensure they remain informed and can contribute when needed. However, Participants do not participate in the consensus designation process.

Participants are encouraged to possess similar levels of expertise as Members with respect to IDN issues, ICANN policies and procedures, and registry/registrar services in order to contribute to the deliberations effectively.

No upper limit of participants are expected to be set at the chartering phase. However, the WG leadership may decide, in consultation with the WG, whether new Participants can be accepted after the start of the WG effort. See details in the “B. Joining of New Members After Project Launch” in this charter.

- **Observers:** Anyone interested in this EPDP may join as an observer. Observers are provided with read-only access to the mailing list and are not invited to attend meetings.
- **GNSO Council Liaison:** The GNSO Council shall appoint one (1) Liaison who is accountable to the GNSO. The GNSO Council Liaison must be a member of the Council, and the Council recommends that the Liaison should be a Council member and be able to serve during the life of this WG. See detailed description in the “GNSO Council Liaison” section below.
- **ccNSO Liaison:** The Country Code Names Supporting Organization (ccNSO) shall appoint one (1) Liaison to monitor the deliberation of this WG. This is to fulfill ICANN Board’s request that the GNSO coordinates with the ccNSO to ensure a consistent solution is developed for IDN variant TLDs and IDN variant ccTLDs. ccNSO has the option to appoint its Liaison also as its Member who represents the ccNSO in this EPDP WG. Any person from the ccNSO may participate as a Participant in the WG.
- **ICANN Org Liaison(s):** The ICANN Org Global Domains & Strategy (GDS) department shall appoint at least one (1) Liaison, who is expected to provide timely input on issues that may require ICANN Org input such as implementation-related queries and issues requiring subject matter expertise in IDNs. The ICANN Staff Liaison(s) is not expected to advocate for any position and/or participate in any EPDP Team consensus calls.

### Membership Structure:

Some groups may choose not to appoint any Members to the WG. The table below indicates the maximum number of Members that groups may appoint.

Group	Member (up to)	Liaison
RySG	3	
RrSG	3	



IPC	3	
BC	3	
ISPCP	3	
NCSG	3	
ccNSO	3	1*
ALAC	3	
GAC	3	
SSAC	3	
RSSAC	3	
GNSO Council		1
ICANN Org GDS		At least 1

*\*ccNSO has the option to appoint its liaison also as one of its Member(s) who represent the ccNSO in this EPDP WG.*

The GNSO Secretariat is expected to circulate a “Call For Volunteers” in accordance with the group structure determined by the GNSO Council:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees

## Membership Criteria:

### A. Expected Skills for Working Group Members

WG members shall review the full text of the [Working Group Member Skills Guide](#) to understand the responsibilities and skills that they are expected to have in order to fully participate in the WG activities.

Collectively as a group, the WG Members MUST possess:

- Technical knowledge of IDNs, including but not limited to: IDN related SubPro PDP recommendations, RZ-LGR, IDN variant definition and management, IDN tables, IDN implementation guidelines, SSAC advices as they relate to IDNs, and other policy efforts listed in the [Annex B](#) of the GNSO Council IDN Scoping Team Final Report; direct experiences in ICANN’s IDN policy efforts is strongly preferred;
- Technical, legal, and/or operational knowledge of ICANN policies and procedures as they relate to IDNs, including but not limited to: processes and procedures created for the 2012 New gTLD program, registration dispute resolution procedures and trademark protection mechanisms;
- Technical knowledge of registry/registrar services and domain name life cycle as they relate to IDNs;
- Familiarity with GNSO policy development processes; direct experience is strongly preferred;

- Commitment to participating in Working Group meetings on a regular and ongoing basis;
- Highly effective oral, written, and interpersonal communication skills (in simple, comprehensible English);
- Ability to create factual, relevant and easily understandable messages, and able to succinctly deliver them to the Working Group;
- Research skills with the ability to discern factual, factually relevant, and persuasive details and sources;
- Commitment to manage a diverse workload, while collaborating with a Working Group of individuals with different backgrounds and interests in driving objectives;
- Knowledge of Working Group discussions, actions taken at meetings, and deliverables;
- Understanding of the perspectives and interests of the members' own stakeholder group or constituency;
- Understanding of what consensus means and how consensus-building process works;
- Commitment to facilitate consensus by listening, explaining, mediating, proposing clear actions, and helping other members;
- Commitment to avoid blocking consensus by looking beyond the stakeholder group or constituency affiliation of other Working Group members and judging proposals/positions on their merits;
- Commitment to avoid re-litigating closed issues or deliberate obfuscation;
- Commitment to review the [Consensus Playbook](#) and attend potential training related to the Playbook, facilitate consensus building by employing the tools and techniques as detailed in the playbook;
- Maintain high personal levels of ethical conduct and integrity, including transparency of affiliation in the SOI, in treatment of others and respecting the professional reputation of all in the ICANN community.

Participants are encouraged to possess the aforementioned qualifications.

### **B. Joining of New Members After Project Launch**

New Members will only join after the launch of the PDP if a current Member is no longer able to continue in its membership. New WG Members should be mindful that, once input/comment periods have been closed, discussions or decisions should not be resurrected unless there is group consensus that the issue should be revisited in light of new information that has been introduced. If the reopening is perceived as abusive or dilatory, a WG member may appeal to the WG leadership.

Anyone can join a WG as a Participant at any point as long as they get up to speed and do not reopen previously closed topics, unless they provide new information. Nonetheless, the WG leadership may decide, in consultation with the WG and in reference of [Criteria for Joining of New Members](#) guidance, whether new Participants can be accepted after the start of the WG effort.

The WG could decide to suspend new Participants for several reasons, including but not limited to:

- The Working Group has produced its Initial Report, analyzed public comments, and is in the midst of a consensus process for its Final Report;
- The Working Group is nearing the end of a complex and lengthy policy development process and although it has not produced a Final Report, the status of the work is that the Working Group is too close to finalize its work such that new members would not be able to meaningfully contribute;
- Someone wishes to join as a participant in a sub-team of the Working Group, but that sub-team has completed its work and passed its recommendations to the full Working Group.

### **C. Expert Contributors**

The WG has flexibility/discretion to invite participation of the expert contributors in specific fields (e.g., rights protection mechanism related topics) as it deems necessary.

Expert contributors are not expected to participate in any consensus designation process, but provide perspective/expertise/knowledge to the PDP WG.

Based on the WG's determination, the Council may be able to use an independent evaluation process (e.g., GNSO Council Standing Selection Committee) to confirm whether those individuals have demonstrated the expertise/knowledge/perspective.

### **Leadership Structure:**

#### **One (1) Chair + One (1) Vice Chair**

The GNSO Council will appoint one (1) qualified, independent Chair (neutral, not counted as from the WG membership/participants) for the WG.

The WG, once formed, may select one (1) Vice Chair to assist the Chair. The Vice Chair can be selected among the WG's Members and Participants. However, if a Member is selected as the Vice Chair, this person shall change his/her Member status to Participant, and his/her appointing organization may appoint a new Member as a replacement.

Should at any point a Vice Chair need to step into the role of Chair, the same expectations with regards to fulfilling the role of Chair as outlined in this charter will apply.

### **Leadership Criteria:**

#### **Expectations for the WG Leadership (Chair + Vice Chair):**

The WG leadership is expected to carry out the role and responsibilities and meet the qualification as detailed in the [Expectations for Working Group Leaders & Skills Checklist](#).

In short, the WG leadership is expected to:

- Lead with neutrality and impartiality;
- Encourage representational balance;
- Ensure WG documents represent the diversity of views;
- Balance working group openness with effectiveness;
- Make time commitment;
- Contribute ideas and knowledge to working group discussions;
- Oversee project management of the WG deliberations;
- Build consensus;
- Make consensus designation on working group recommendations;
- Enforce compliance with Statement of Participation;
- Enforce compliance with ICANN's Expected Standards of Behavior;
- Ensure compliance with Community Anti-Harassment Policy;
- Be versed in GNSO Operating Procedures; and
- Handle working group complaint process.

#### **Expectation for the WG Chair:**

As outlined in the GNSO Working Group Guidelines, the purpose of a Chair is to call meetings, preside over working group deliberations, manage the process so that all participants have the opportunity to contribute, and report the results of the Working Group to the Chartering Organization.

These tasks require a dedicated time commitment as each week calls have to be prepared, the agenda concretized, and relevant material reviewed. The Chair shall be neutral. While the Chair may be a member of any group which also has representation on the Working Group, the Chair shall not act in a manner which favors such group. The Chair shall not be a member of the Working Group for purposes of consensus calls.

In addition, it is expected – that interested candidates shall have considerable experience in chairing working groups, and direct experience with at least one GNSO Policy Development Process throughout its lifecycle. Familiarity with the functioning of a Working Group is important to understand the various leadership skills that are necessary to employ during a WG's lifecycle. For example, a Chair has to ensure that debates are conducted in an open and transparent manner and that all interests are equally and adequately represented within the Group's discussions. During the later stages of a WG when recommendations are drafted, a Chair will benefit from understanding the viewpoints of various participants to ensure that an acceptable and effective outcome – ideally in the form of consensus – can be achieved.

The WG Chair is specifically expected to carry out the following responsibilities, including but not limited to:

- Attend all EPDP Working Group meetings to assure continuity and familiarity with the subject matter and the ongoing discussions;
- Prepare meetings by reading all circulated materials;
- Be familiar with the subject matter and actively encourage participation during the calls;
- Be active on the EPDP mailing list and invite EPDP WG members and liaisons to share their viewpoints;
- Drive the progress forward and assure that discussions remain on point;
- Work actively towards achieving policy recommendations that ideally receive full consensus;
- Ensure that particular outreach efforts are made when community reviews are done of the group's output;
- Underscore the importance of achieving overall representational balance on any sub-teams that are formed;
- Enforce Statement of Participation, ICANN's Standards of Behavior, and Community Anti-Harassment Policy;
- Coordinate with staff and ensure that the WG is supported as effectively as possible; and
- Conduct consistent, adequate, and timely reporting to the GNSO Council on the progress of the PDP.

The WG Chair is expected to meet most of the following qualifications:

- Direct experience in consensus building processes and preferably direct experience in GNSO PDPs;
- Knowledge of and preferably direct experience in IDN related work at ICANN;
- Knowledge of ICANN policies and procedures as they relate to IDNs;
- Understanding of registry/registrar services and domain name life cycle as they relate to IDNs;
- Project management skills: including facilitating goal-oriented Working Group meetings, agenda setting and adherence, time management, encouraging collaboration, driving the completion of action items and achieving milestones in accordance with the WG timeline and work plan, keeping the Working Group's actions, discussions and meetings focused on serving its ultimate goals and deliverables;
- Ability to enforce compliance with the Statement of Participation, ICANN's Expected Standards of Behavior, and Community Anti-harassment Policy;
- Ability to determine when outreach is necessary and to undertake it;
- Ability to identify the diversity of views within the Working Group, if applicable;

- Knowledge of and ability to designate consensus on Working Group recommendations based on the level of agreement;
- Ability to help Working Group members understand that a consensus is a decision that is collaboratively reached and that the Working Group members can “live with”; accordingly, it may not be a perfect or unanimous decision;
- Commitment to review the [Consensus Playbook](#) and attend potential training related to the Playbook, facilitate consensus building by employing the tools and techniques as detailed in the playbook;
- Ability to refrain from promoting a specific agenda and ensuring fair, objective treatment of all opinions within the Working Group;
- Ability to distinguish between Working Group participants offering genuine dissent and those raising irrelevant or already closed issues merely to block the Working Group’s progress toward its goal;
- Ability to halt disruption and, in extreme cases, exclude a Working Group member from a discussion per Section 3.5 of the GNSO Working Group Guidelines on Rules of Engagement;
- Ability to ensure that closed Working Group decisions are not revisited, unless there is a consensus to do so (usually in light of new information brought to the Working Group’s attention);
- Ability to commit the time required to perform the WG Chair’s responsibilities;
- Knowledge of topics in other policy efforts that have relations to or dependencies with the EPDP working group topics;
- Ability to create factual, relevant and easily understandable messages, and able to clearly deliver them to the Working Group
- Ability to deliver a point clearly, concisely, and in a friendly way
- Exhibit agility and confidence in evolving situations and is able to swiftly transition from topic to topic
- Highly effective oral, written, and interpersonal communication skills (in simple, comprehensible English);
- Excellent research skills with the ability to discern factual, factually relevant, and persuasive details and sources;
- Commitment to manage a diverse workload, while collaborating with a Working Group of individuals with different background and interests in driving objectives; and
- Able to effectively build a course of action, analyze trade-offs, and make recommendations even in ambiguous situations; and
- Knowledge of and ability to participate in the Working Group complaint process, commitment to review the [Clarification to Complaint Process in GNSO Working Group](#) Guidelines Section 3.7.

**Expressions of Interest for the WG Chair:**

Staff is expected to publish a request for Expressions of Interest for the role of Chair. The GNSO Council leadership and Standing Selection Committee leadership will jointly review the responses and will propose a Chair to the GNSO Council which will then either affirm the selection or reject the selection and send the process back to the GNSO Council leadership and Standing Selection Committee leadership.

The Expression of Interest should address the following issues, including but not limited to:

- What is the applicant’s interest in this position?
- What particular skills and attributes does the applicant have that will assist him/her in chairing the WG and facilitating consensus building?
- What is the applicant’s knowledge of and/or experience in IDN related work at ICANN?
- What is the applicant’s knowledge of ICANN policies and procedures?

- What is the applicant's understanding of registry/registrar services and domain name life cycle as they relate to IDNs?
- What is the applicant's experience with the GNSO Policy Development Process?
- What is the applicant's experience with consensus building involving various stakeholders, as well as familiarity with the [Consensus Playbook](#)?
- Is the applicant able to commit the time required and necessary work needed to chair the EPDP?
- Does the applicant have any affiliation with or involvement in any organization or entity with any financial or non-financial interest in the subject matter of this EPDP?
- Also expected to be included:
  - A link to an up-to-date Statement of Interest (SOI) - <https://community.icann.org/x/c4Lg>
  - A statement confirming commitment and ability to act neutrally.

#### **Expectations for the Vice Chair:**

Finally, as also pointed out in the GNSO Working Group Guidelines, the Vice Chair may facilitate the work of the Chair by ensuring continuity in case of absence, sharing of workload, and allowing the Chair to become engaged in a particular debate. As a result, similar responsibilities and qualifications are expected from the Vice Chair, although the overall workload may be reduced as a result of being able to share this with the Chair.

#### **Leadership Review:**

The review of WG leadership provides a regular opportunity for the GNSO Council to check in with WG leadership and Council Liaison to identify resources or input that Council may need to provide, as well as opportunities for the leadership team to improve. The review also enables the GNSO Council to work with the WG leadership and Council Liaison to develop and execute a plan to address possible issues/opportunities identified.

The GNSO Council leadership and/or the Council Liaison may initiate the WG leadership review in response to circumstances indicating that a review is necessary.

The WG leadership shall review the full text of [Regular Review of Working Group Leadership](#) document to understand the regular review of WG leadership performance by the GNSO Council, as well as the [member survey](#) that feeds into the review. This leadership review may be conducted alongside the [WG self-assessment](#), or be integrated as part of the WG self-assessment based on the GNSO Council's further improvement of the review mechanism.

#### **GNSO Council Liaison**

The GNSO Council shall appoint one (1) Liaison who is accountable to the GNSO. The Liaison must be a member of the Council, and the Council recommends that the Liaison should be a Council member and be able to serve during the life of this WG.

The complete description of role & responsibilities for GNSO Council Liaison is described in the [GNSO Council Liaison Supplemental Guidance](#). In short, the GNSO Council Liaison is expected to:

- Fulfill liaison role in a neutral manner
  - Importantly, the liaison is expected to fulfil his/her role in a neutral manner. This means that everything the liaison does during his/her tenure, including but not limited to participating in WG calls, reporting status, conveying information, and escalating issues, should be done in that neutral manner.
- Serve as an interim WG Chair until a Chair is named



- Be a regular participant of WG meetings
- Participate in regular meetings with WG Chair
- Report to Council on the WG progress
- Convey to Council on WG communications, questions, concerns
- Inform WG Chair about Council activities impacting the WG
- Refer to Council questions related to WG Charter
- Assist or engage when WG faces challenges
- Assist in case of abuse of ICANN's Expected Standards of Behavior and Community Anti-Harassment Policy
- Assist with knowledge of WG processes and practices
- Facilitate when there is disagreement regarding consensus designation
- Facilitate when a Section 3.7 Complaint Process is invoked
- Initiate the WG leadership review in response to circumstances indicating that a review is necessary

The liaison shall complete the following actions for onboarding purposes:

- Review the [GNSO Council liaison to the WGs - Role Description](#);
- Review the [New Liaison Briefing and Liaison Handover](#) document to understand the actions the liaison needs to take for onboarding purposes.
- Consult the [supplemental guidance](#) developed to provide more precision in their responsibilities and the frequency in which they must be carried out;
- Familiarize with the provisions of the GNSO Operating Procedures relevant to liaisons;
- Subscribe to the EPDP mailing lists and relevant sub teams;
- Subscribe to the EPDP Leadership mailing list(s), if applicable. In addition, add o the PDP Leadership Skype chat (or other communication channel) if applicable;
- Consider requesting a catch up call with the relevant GNSO policy support staff. This call should clarify the role of the liaison in terms of PDP conference call attendance, expected responsibilities and an update as to the current status of the PDP if already in operation (milestones and anticipated hurdles);
- Review links to the wiki workspaces and mailing list archives via email;
- (If the EPDP is already in operation) Consider requesting that EPDP Leadership and the outgoing liaison(s) share relevant briefing documents specific to the EPDP, to highlight the scope of the PDP charter, current status, timeline, milestones, problem areas/challenges, anticipated hurdles, etc;
- (If the EPDP is already operational) Participate in an onboarding conference call with the incoming and outgoing liaisons as well as EPDP Leadership; GNSO policy support staff will also be present on the call.

### **Support Staff:**

The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the Working Group:

- ICANN policy staff members
- GNSO Secretariat

In addition, regular participation of and consultation with other ICANN Org departments such as the GDS is anticipated to ensure timely input on issues that may require ICANN org input such as implementation-related queries and issues requiring subject matter expertise in IDNs. As such, the



ICANN Org GDS is expected to appoint at least one (1) Liaison to the WG, as specified in the “Membership Structure” section above.

Furthermore, additional policy staff resources are available to assist the WG leadership for consensus building purposes.

## Section V: Rules of Engagement

### Statements of Interest (SOI) Guidelines:

Each member of the WG is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

### Statement of Participation:

Each Member and Participant of the WG must acknowledge and accept the Statement of Participation (as provided below), including ICANN’s Expected Standards of Behavior, before he/she can participate in the WG.

#### Statement of Participation

As a Member or Participant of the Internationalized Domain Names Expedited Policy Development Process Working Group:

- I agree to genuinely cooperate with fellow Members and Participants of the Working Group to deliberate the issues outlined in the Charter. Where there are areas of disagreement, I will commit to work with others to reach a compromise position to the extent that I am able to do so;
- I acknowledge the remit of the GNSO to develop consensus policies for generic top level domains. As such, I will abide by the recommended working methods and rules of engagement as outlined in the Charter, particularly as it relates to rules in [GNSO Working Group Guidelines](#);
- I will treat all Members/Participants of the Working Group with civility both face-to-face and online, and I will be respectful of their time and commitment to this effort. I will act in a reasonable, objective, and informed manner during my participation in this Working Group and will not disrupt the work of the Working Group in bad faith;
- I will make best efforts to regularly attend all scheduled meetings and send apologies in advance when I am unable to attend. I will take assignments allocated to me during the course of the Working Group seriously and complete these within the requested timeframe.
- I agree to act in accordance with [ICANN Expected Standards of Behavior](#), particularly as they relate to:
  - Acting in accordance with, and in the spirit of, ICANN’s mission and core values as provided in [ICANN’s Bylaws](#);
  - Listening to the views of all stakeholders and working to build consensus; and
  - Promoting ethical and responsible behavior;
- I agree to adhere to any applicable conflict of interest policies and the Statement of Interest (SOI) Policy within the [GNSO Operating Procedures](#), especially as it relates to the completeness, accuracy, and timeliness of the initial completion and maintenance of my SOI; and

- I agree to adhere to the [ICANN Community Anti-Harassment Policy and Terms of Participation and Complaint Procedures](#).

As a Member of the IDN EPDP Working Group:

- I understand reaching consensus does not mean that I am unable to fully represent the views of myself or the organization I represent. I will abide by the recommended working methods and rules of engagement as outlined in the Charter, particularly as it relates to designating consensus in [GNSO Working Group Guidelines](#).

I acknowledge and accept that this Statement of Participation, including ICANN's Expected Standards of Behavior, is enforceable and any individual serving in a Chair role (such as Chair, Co-Chair, or Acting Chair or Acting Co-Chair) of the Working Group and GNSO Council Leadership Team have the authority to restrict my participation in the Working Group in the event of non-compliance with any of the above.

#### **Problem/Issue Escalation & Resolution Process:**

The problem/issue escalation & resolution process within the WG is provided in Sections 3.4 and 3.5 of the Working Group Guidelines. WG members should also reference the [Guidelines Concerning ICANN Org Resources for Conflict Resolution and Mediation](#).

#### **Formal Complaint Process:**

The formal complaint process within the WG is provided in Section 3.7 of the Working Group Guidelines. Further details regarding the formal complaint process are included in the [Clarification to Complaint Process in GNSO Working Group Guidelines](#) document.

The formal complaint process may be modified by the GNSO Council at its discretion.

## **Section VI: Decision Making Methodologies**

#### **Consensus Designation Process:**

Section 3.6 of the GNSO Working Group Guidelines, as included below, provides the standard consensus-based methodology for decision making in GNSO WGs.

For consensus building purposes, the WG Leadership, WG Members, and GNSO Council Liaison are expected to review the [Consensus Playbook](#) which provides practical tools and best practices to bridge differences, break deadlocks, and find common ground within ICANN processes; potential training related to the Consensus Playbook may be provided for WG Leadership, Members, and GNSO Council Liaison.

### 3.6 Standard Methodology for Making Decisions

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus**; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.
- ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.
- iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:

- A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
- It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants<sup>56</sup> in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO<sup>57</sup>.

### **Who Can Participate in Consensus Designation:**

<sup>56</sup> Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or liaison of their issue and the Chair and/or liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

<sup>57</sup> It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

Consensus calls or decisions are limited to Members who may consult as appropriate with their respective appointing organizations. However, for the purpose of assessing consensus, groups that do not fulfil their maximum membership allowance should not be disadvantaged.

The WG Chair shall ensure that all perspectives are appropriately taken into account in assessing Consensus designations on the final recommendations.

Unless otherwise specified in this Charter, the GNSO Working Group Guidelines apply in full and Consensus designations are therefore the responsibility of the Work Group Chair and are to be made in accordance with the consensus levels described in Section 3.6 of the Working Group Guidelines.

### Termination or Closure of Working Group:

Typically, the WG will close upon the delivery of its last Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

The GNSO Council may terminate or suspend the WG prior to the publication of its last Final Report for significant cause such as changing or lack of community volunteers, the planned outcome for the project can no longer be realized, or when it is clear that no consensus can be achieved.

The WG Chair, in collaboration with the WG support staff and the GNSO Council Liaison, shall use an [escalation procedure](#), which helps define the health of the WG and informs the GNSO Council's decision on whether the WG should be terminated or suspended.

## Section VII: Change History

## Section VIII: Charter Document History

Version	Date	Description
1.0	20 May 2021	

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### Translations: If translations will be provided please indicate the languages below:

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