
ICANN Transcription

IDNs EPDP

Thursday, 21 October 2021 at 13:00 UTC

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JULIE BISLAND:

Good morning, good afternoon, good evening, everyone. Welcome to the IDNs EPDP call taking place on Thursday the 21st of October 2021. In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room.

I know we have one person on telephone only, Lianna Galstyan. Is there anyone else on the telephone only? Okay. We have apologies from Tomslin Samme-Nlar with NCSG. All members and participants will be promoted to panelists for today's call. Members and participants, when using chat, please select "everyone" in order for everyone to see your chat. Observers will remain as an attendee and will have view only chat access.

Statements of interest must be kept up to date. if anyone has any updates to share, please raise your hand or speak up now. Seeing no one, if you do need assistance updating your statements of interest, please e-mail the GNSO secretariat. All documentation and information can be found on the IDNs EPDP Wiki space.

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Recordings will be posted on the public Wiki space shortly after the end of the call. Please remember to state your name before speaking for the transcript. And as a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior.

Thank you, and over to our chair, Donna Austin. Please begin.

DONNA AUSTIN:

Thanks very much, Julie. Welcome, everybody, to our IDN EPDP call for today. A few things to cover before we get into substantive discussion today. First, I'd just like to again thank Anil and Justine for volunteering to be the vice chair of this working group. We have got the results of the election that was done over e-mail, and I'm pleased to advise that Justine has been elected as the vice chair of this working group. So thank you very much, Justine, for being willing to serve this group as a vice chair.

I'd also like to, in addition to thanking Anil for being willing to serve in the vice chair capacity, I believe that Anil was appointed our formal liaison to this group from the cc IDN PDP. Ccs have a different way of saying things. So we don't lose Anil, we have him now formally as the liaison to this group from the cc IDN PDP, which is great news as well. So thank you both for that.

What we're going to run through today is Emily is going to take us through some working documents, and what I thought might be helpful is, given one of the questions that we're looking at is about challenge processes recommended by SubPro, Steve is going to take us briefly through what those are. I think it's important that we

level set. So Steve will just do a brief presentation on that and then we'll get into the substance. Jeff, I saw that you had an AOB. Did you want to identify what that is now so we can capture it?

JEFFREY NEUMAN:

Thank you, Donna, and congratulations to Justine and thanks to Anil for volunteering. My AOB is—and I can't put a link to it yet, but there was a letter sent from the Board to the Council, and my guess is that the Council's going to rely on us, but essentially, the Council had asked for a deferral on the IDN guidelines and the Board has come back with a letter saying that they see that there may be issues with that deferral and they'd like the Council to separate issues within the IDN guidelines to indicate which ones are policy-related and which ones would not be policy-related that we could move forward on.

Again, I think it's more of a heads up and maybe Steve or others from ICANN know a little bit more about it. Like I said, they're going to put it on a correspondence page, but I don't think it's quite there yet. But it's more of a heads up because I would think the Council would ask this group its thoughts on it. and there's only until November to respond.

DONNA AUSTIN:

Thanks for the heads up, Jeff. I'm sure we'll see what happens when it hits the Council. And if Council refer it to us, then we'll take a look at it because one of our responsibilities is related to the IDN implementation guidelines. So we will defer to the Council in the first instance as to how they want to handle it, and if they

punt it to us for consideration, then we will do that, I guess in a timely manner if there's a November timeline on that. Thanks for the heads up, Jeff.

Emily, I will hand it over to you.

EMILY BARABAS:

Thanks, Donna. Hi everyone. So for this agenda item, I'm just going to briefly talk about a proposed approach to managing some of our working documents for this group. We based it on what's been pretty successful for some of the other groups that have been starting their work recently, so we're hoping that it'll work for this EPDP as well.

What you see here is a page on the Wiki that is a nice one to bookmark because it's a place where all of the working documents will be managed. Let me drop the link in the chat so you can take a look here as well.

And on the left of this table, you'll see links to live Google docs for each of the topics. So for example, we're working on topic A now, and the most current version will be linked on the left there. And then on the right of the document, what you're seeing in the table is an archived version. So each time we make a substantive update to this document, we're going to save any old redlines, clean it up a bit. If we add new text, we'll add that in redline and we'll save off a version in Microsoft Word or where applicable, Microsoft Excel.

And we know that some participants for this group do not have access to Google Docs, and it's possible that there are others that

have not let us know yet that that's the case for them as well. If you do not have access to Google Docs, you can still have access to the latest versions of these documents by accessing the latest date on the right-hand column. For example, on topic A, on October 12th we updated the document with the latest deliberations, and you can use that document as a reference.

So, what are these documents? I'll actually start with the topic-based ones because we'll be using these pretty regularly. Steve, do you mind hopping over to the topic A document?

So what we'd like to do is use this as the reference point and what we look at while the deliberations are happening on the charter questions. The presentation is pretty straightforward, it's just listing all of the charter questions. And then what we're doing on the staff side is dropping in a brief summary of some of the key points from the deliberations after they've taken place in the document. Anytime we do a new version, add something new, it'll be in redline so you can see what's new. And then after the next set of updates, we'll save off those old versions as clean and then add in redline the new stuff.

The point of this is really to help the group keep moving forwards and not revisit things that have already been discussed, to capture key takeaways to help us draft the responses to the charter questions when the time comes to do that, and three, allow all of you access to these documents all the time so that at any point in time, if there's something you didn't get to say in the discussions that you think is relevant or you think we've captured something incorrectly, or you want to make a new point, any of those things you can just add in suggestion mode into the document. We might

do some cleanup afterwards and so forth, but it's going to help the group continue to deliberate offline between calls.

So you should all have comment access to these. And if you don't have access to Google Docs, you can always put comments into a Word version, send them to staff and we'll add them into the Google doc.

DONNA AUSTIN: Emily, sorry, I just have a question before we move on.

EMILY BARABAS: Please.

DONNA AUSTIN: So I think we need to be clear that if somebody is amending the Google doc outside of a meeting, then we need to understand what the status of that is. So when you say staff will go back and clean it up, is there a process to—I guess I'm concerned about how we catch that and make sure that other people understand that there's been an addition to the text that wasn't part of capturing notes during a call.

EMILY BARABAS: Indeed, that's a good question. So what we've done for other groups—and of course, this is flexible, this belongs to the group itself and we can adjust level of detail and so forth. The goal here is to really capture kind of high-level takeaways. So if you have a particular position, writing your own answer to the charter question

isn't really what we're looking for here. What we're looking to do is capture key takeaways or points and there are for example cases where people are identifying pros and cons for a particular proposed recommendation. So we'll talk in a little bit about where we are with question A3.

Now, if you see that there's some pros and cons listed and you have some more to add, that's a great thing to add, or if you see a point that the deliberations have captured from one perspective, XYZ should be done for these reasons, let's say you disagree with that point, you could provide your own perspective on that. Staff will probably come back and frame it more as this is a point that's been raised by the group rather than this is the answer, because the point here is really to capture a balanced and neutral summary of what's come up, but we can still, if it's okay with the group, capture those additional points in the deliberations even if it wasn't something that was specifically discussed in the call itself. Does that make sense?

DONNA AUSTIN: Yeah. Thanks, Emily.

EMILY BARABAS: Yeah, and again, please keep an eye on this, see how it's going for you and if we want to make adjustments, we certainly can. The whole point is really to help us draft the outputs of this group when the time comes with a focus on the charter questions and draft recommendations when the time comes. So when we do start drafting potential recommendations for discussion, we'll put these

in the document as well. But of course, you'll get a heads up that that's coming.

So we have documents prepared for each of the topic areas, but right now, most of them are just blank, all they have in them is the charter questions. We'll start pulling them in as we go. If something is raised that really belongs to another topic, so we're talking about topic A but someone raises a really meaty point that needs to be revisited under topic G, staff will try to put that as a note on the topic G document so that when we come back to it, there's still a reference point for discussions that have already happened. We'll do our best to do that.

We also created just a blank document, that's a "parking lot," a place where if there are issues that don't belong under any of the charter questions that the group wants to hold on to, remember and look at later, we can drop them in that document as well.

Are there any questions about the topic-based documents for now? Okay, and then the one other thing we have here for now is the workplan and action items. This is also managed for now in the Google drive. This is a summary of our action items from the working group meetings as well as a very brief highlight of the topic that we covered in each of the meetings.

We are eventually going to be rolling this into another project management tool so it will look a little bit different but basically contain the same information. But for now, this is where we're managing it. And again, we're saving off copies of that to be managed on the Wiki as well. Any questions about that?

Okay, so we're going to come back to that topic, a working group, after Steve does his background summary for question A3. Jeff, please go ahead.

JEFFREY NEUMAN: Sorry about that. There are some things on the workplan that were "assigned" in May of 2021 that don't have due dates. What are those?

EMILY BARABAS: I see what you're saying. We created the spreadsheet quite a while ago. We can change that date, I guess, to other start date of the EPDP but some of those were just that we knew we would have a set of meetings and that's when—some of these things don't really have an assigned date, right? It's just the name of the date of a meeting. It's more of a milestone than it is something that has a closure and an endpoint. So those dates, it's a little bit ... arbitrary. But if it's more clear, we could set the date assigned and due date to that same date, which is the date of the meeting. If that's more clear, that's fine.

JEFFREY NEUMAN: Well, it makes sense for things that are assigned like today and then we want responses back in three weeks. It makes sense. I just didn't understand some of those assignments. But I think it makes sense to have this format, it's just not very clear what some of those action items are. But that's fine, it'll work out.

EMILY BARABAS: Okay, we'll take another look at it and see if there's a way to make it more clear. This is also a relatively new practice, so we're continuing to tweak. So we can take another look. Steve, please.

STEVE CHAN: Thanks. What might help a little bit towards Jeff's question is some clarity about how it's organized, and that is, as Jeff was pointing out, there are some line items here that were assigned back in May and for the most part, that's going to be things like selection of vice chair, but—well, it's actually generally going to be the meetings. As Emily was noting, those are essentially milestones. But the part that I thought might be helpful is that the action items that are assigned are assigned underneath the relative meeting. So where that action item was identified, it's going to fall underneath that meeting so you can actually tell in sequence where the action item was identified and maybe that actually helps understanding the structure of this document as well. Thanks.

EMILY BARABAS: Thanks, Steve. That's all I have for this agenda item. Shall I pass it back to Donna? Thanks.

DONNA AUSTIN: Thanks, Emily, for that overview. So Steve is now going to just do a brief presentation on SubPro appeals challenge processes just so we can kind of level set. And then Emily will just remind us where we are on this conversation and then we'll get going. Thanks, Steve.

STEVE CHAN:

Sure thing. Thanks, Donna. As Donna is noting, we thought it might be good to go through the SubPro outputs because they're intended to serve as sort of the inspiration for what we're talking about here. And what we're realizing is that, how are you supposed to use the SubPro outputs as an inspiration if we're not all clear and on the same level playing field to understand what they are? So that's the point of this discussion, presentation.

Before I start, I would just note that we certainly have some folks from SubPro that are on this call that can, if necessary, provide a little additional color if they think it might be helpful. And that would include someone like Jeff who was one of the co-chairs, and I know there's a couple other members on this group as well.

So with that, we'll go through the background. This is some background and context about the challenge mechanisms. I don't really want to go into too much detail there. The slides are actually already available on the Wiki agenda page so you can go ahead and look at this in more detail if you want. But all I want to say here is that what SubPro was looking at is that for all the evaluation objection mechanisms within the new gTLD program, there was not a dedicated challenge mechanism built into the program. So if any applicant disagreed with an outcome from the program, in 2012, they were relying on the accountability mechanisms, which were obviously not designed for the new gTLD program and in that case were not necessarily fit for purpose, so to speak.

The only other thing I wanted to cover here is that the potential need for a challenge mechanism was identified by the new gTLD program committee, the Competition, Consumer Trust and Consumer Choice Review Team, and ICANN's actually—their program implementation review report which was an analysis of the 2012 program so that the concept and idea and potential need for a challenge mechanism was recognized by quite a few different parts of the community.

So I'm going to stop there and leave it at just that, but like I said, if you want to look in a little more detail at these slides, you can go ahead and take a look on the Wiki.

As I noted, the intention is to allow primarily the applicant to be able to challenge outcomes of things that take place in the new gTLD program. So, what does that mean? For those that aren't familiar with the new gTLD program, there are a number of different elements. And what we're trying to do here is just show an exhaustive list of the evaluation procedures in the new gTLD program.

So I'm not going to go into detail here, but what is maybe helpful to understand is that some of these elements, if the applicant doesn't pass the element, they actually fail. And then there are some others—and some examples of that might be background screening, DNS stability, financial evaluation and a handful of others.

And then there are other elements in here that are captured on this page where the outcome is not failure necessarily but it's still a result that the applicant or other affected parties might not agree

with. And I think the easiest example there is probably string similarity where the outcome could be that the applied for string is so visually similar to another applied for string that they are going to be put into what's called a contention set. And again, generally speaking, that means only one of the strings in that contention set can proceed.

So that is just a very high-level overview of the evaluation procedures in the new gTLD program. And like I said, the idea is to challenge the outcome. I think next slide is just the other piece of this.

Right. So the other piece of this is the objections. So the challenge mechanism that SubPro developed is intended to be applied to all the evaluation procedures, and then also the objection mechanisms. And the difference here is that for objections, there are always at least two affected parties, so it's the party that has filed the objection and then also generally speaking, again, the applicant is the other affected party.

I think from a grammar perspective, the SubPro group felt that calling this an appeal mechanism made more sense because it's a formal objection proceeding. But more or less, we're able to apply the same framework for the evaluation mechanisms and objections to develop how the challenge process would work.

So the next slide—we didn't necessarily call them principles in the SubPro group, but these are some of the important elements that came out in the discussion. So there's two that are really about trying to ensure that the challenge mechanism doesn't become a

frivolous thing where every single outcome that the applicant doesn't like gets challenged.

The first one is about it being a narrow process. This goes towards the definition of what can be challenged. So SubPro used what they called clearly erroneous, and what that means is that essentially, the panel failed to follow procedure or to consider or solicit necessary information. It's a narrow standard, it doesn't go through the complete evaluation again for instance. So the only exception to that is conflict of interest where it is a complete re-review which is otherwise known as de novo.

The other one that is intended to potentially combat frivolous challenges is the cost. So generally, the party that initiates the challenge process is going to be responsible for the cost, no matter the outcome. The exception for that is the appeals, where, as I noted, there are two parties to the objection: the objector and generally the applicant. So in that circumstance, whoever is the losing party of the appeal will be responsible for the cost.

The other principle that came out of SubPro discussions is that the arbiter that considers the appeal is generally going to be the same panel or entity. But the important part must be that it's a different individual. So it can't be the same person or individual that performed the original evaluation or objection.

I think in some circumstances where there might be multiple vendors, it would probably be ideal that the party that performs the appeal would actually be the vendor B for instance. But what we saw in 2012 is that for many of the evaluation elements and objections even, there was only a single provider, which actually

probably ties into the cost element as well, that the SubPro group didn't want to set up a completely separate challenge and appeal environment which would then create the need to identify a separate provider.

All right, so what this is intended to do is when SubPro identified all of the evaluation objection mechanisms, what they wanted to do was try to identify each of the scenarios where an affected party or applicant might want to challenge the outcome, and then they took it through a number of different questions to try to identify the details of that scenario and determine how it might look in the challenge and appeal mechanism.

So there's one very simple example captured on this slide right here and that would be as it pertains to the financial evaluation. So the financial evaluation was to ensure that the applicant was financially able to support an application, essentially. Very high-level description of the process.

And so the outcome that the applicant might want to challenge in this case is that the panel determines that the applicant has failed the financial evaluation. And so C here is the potential affected party—that is the applicant—D in this framework is the party with standing to be able to file a challenge or appeal, that would be the applicant which is also the affected party. And just a quick note here is that generally speaking, the party with standing is generally going to be the affected parties. And in some instances, there might be multiple affected parties and then multiple parties with standing. But I think actually for the most part, it's generally going to be the applicant in C and D with some exceptions.

The arbiter here in our example for financial is going to be the existing evaluator entity. But again, as I noted earlier, it's going to be different individuals within that same entity. And I think it's probably an interesting example for financial eval—there were actually multiple vendors. That doesn't mean that'll be the case in the future round, but if there are, then this might be one where you actually rely on the other vendor.

So F here is the likely result of the successful challenge whereas the applicant that failed originally, the result, if it's a successful challenge, is now they have not failed the financial evaluation. And then lastly is who bears the cost. It's who initiates the challenge, and that is the applicant in this case.

So I'll pause again to see if any questions pop up. And I'm actually going to show something else real quick.

JEFFREY NEUMAN: Steve, can I just make a quick point?

STEVE CHAN: Of course.

JEFFREY NEUMAN: So in general, you're absolutely right that the applicant is going to be really the only party that's going to have standing to challenge. I think the exception may be—and we'll probably think about that as we get further—is in the string similarity review where the result of an evaluation is that a string is found to be similar to either an

existing TLD or to another application, and then in that case, it is possible that other applicants in the case where it's found to be similar to other applications, it is possible that other applicants may be affected parties to challenge. And in the former case, where it's found to be similar to an existing TLD—or I should say where it's found not to be similar to an existing TLD, in theory, the existing TLD may have a right to challenge. We can decide all that with respect to IDNs here. But I just want to point out that that's a possibility.

STEVE CHAN:

Thanks very much, Jeff. You sort of read my mind and got ahead of where I was going to go next, which is precisely what you're talking about here. So we're obviously not going to go through every scenario here, but what you're looking at now is the annex for the SubPro final report, which I'll drop a link for. It's on Page 329 approximately, where it starts. Don't apologize, a good, helpful intervention.

Anil, I see your hand. All those evaluation mechanisms and objection mechanisms, the SubPro group took it through that framework, that A through F I think scenario. So the outcome that might warrant the challenge, potential affected parties, etc. We ran through every one of those in SubPro to determine the details for each of the evaluation and objection mechanisms. And in some cases, we found that there might be multiple out comes that might warrant a challenge, which like Jeff said, string similarity is a good example. And in that case, it's also another complex scenario because there can also be affected parties beyond just the applicant, as Jeff noted.

But the one I include in the slide is the financial one, which is a far more simple example to run through. I'll stop there, and Anil, please go ahead.

ANIL JAIN:

Thank you, Steve. My fundamental question, in case a challenger is putting a challenge, say, applicant, and the challenge is upheld and its application is reinstated, it means that the point which challenger has taken is correct or the evaluators made maybe some mistake or oversight. In that particular case, the cost should not be on the applicant. But in case the challenge gets failed and the entire panel has to redo the job and they found that the result is the same, yes, the challenger should bear the cost.

So this is just a small observation from my side. Thank you, Steve.

STEVE CHAN:

Thanks, Anil. And I think Jeff is getting in the queue to answer that one. Jeff, go for it.

JEFFREY NEUMAN:

Yeah, thanks, Anil. We spent a lot of time in SubPro talking about that. At the end of the day, the way that SubPro came to the conclusion that it still should be the applicant is that the evaluation has to happen, and so to the extent that—someone's got to bear the cost of it, and the someone is either going to be the applicant, or the vendor itself. And I think you'll find that vendors would not be likely to want to participate to be a vendor if they know that

mistakes they make are going to be—that they're going to have to pay a cost.

And I guess we're assuming mistakes. It may not be a mistake, it just may be something that was not foreseen. So it's a long way of saying that there were a lot of discussions about this, and your point is well taken and it certainly was brought up on a number of occasions. But as we ran through the scenarios, we just didn't think it would be feasible to force the vendor itself to pay—or for that matter ICANN to pay that cost. And therefore, someone had to bear the cost.

Now, if ICANN is able to negotiate contracts with the vendor where the vendor will assume that responsibility, fantastic. That would be great. But we didn't want to make that assumption that that would be able to be the case.

STEVE CHAN:

Thanks, Jeff. And if I could just add one quick point, the table that you're looking at was actually positioned as sort of implementation guidance to the Org that will eventually implement this program. So to the extent that as Jeff noted, the Org are able to negotiate a contract differently so that where it was at the fault of the vendor itself and Org was able to get the vendor to agree to that, then it might end up with a result that might be preferable to applicants that were challenging elements. Donna, please go ahead.

DONNA AUSTIN:

Thanks, Steve. I guess just an observation is that what we need to decide is the applicability of processes that were determined by

SubPro as they relate to challenge processes for a situation where the root zone LGR has determined a string to be invalid. So the group may or may not decide to adopt the processes that were developed after many long conversations within SubPro, but I think the idea here is there was a considerable amount of work done in SubPro on challenge processes as they relate to a number of different circumstances. So I guess we didn't want to lose work that's been done before. But it doesn't necessarily mean that we will come to the same conclusion. Thanks, Steve.

STEVE CHAN:

Thanks, Donna. Exactly right. Going back to the slides, like I said, I didn't intend to go over all these different scenarios in any sort of detail, but just to try to show a flavor of what they look like, because as Donna noted—let me go to our remit here. This is our charter question. You'll probably have seen this language already, but the intention is that the SubPro challenge mechanisms and appeals, that framework is intended to be used by us, unless there's a reason not to, essentially. That's essentially the way it's worded.

So as Donna is noting, we're obviously not required to come out with a challenge or appeal mechanisms, but the presumption is that we should if it makes sense. And the framework that we're looking at essentially of identifying scenarios and then trying to identify who the affected parties and standing and all those other questions that SubPro asked itself for each of the elements, that serves as essentially the framework for this group.

What I mean by that is this group can look at the different scenarios where an affected party—generally the applicant, just like before in all those other evaluation objections we looked at—the scenarios where the applicant might want to challenge an outcome and then we need to look at all the other factors about who might have standing, the cost element that Anil and Jeff were just discussing, and basically looking at all of those for the different scenarios that this group determines might make sense to be able to a challenge element as it relates to the RZ LGR.

I think we had actually previewed some initial thoughts that staff and leadership had done, which of course is not determinative for this group but it was just a thought exercise for us to try to wrap our heads around. Before I go into that, I just wanted to note quickly that some of the things that are sort of new to this group after having heard from presentation from Sarmad—it might not be new to some, but for some, it might be—we know that there's an online tool that allows for potential applicants to validate their strings pretty much as soon as the table is completed and more than likely adopted and completed.

So once an applicant is contemplating applying and they know their string, they could actually validate that string well in advance of actually applying. So due diligence might serve an applicant well and then they might not actually need to use a challenge mechanism.

We also know that the RZ LGR process actually has a challenge element built into it where a party can challenge whether or not the RZ LGR is developed correctly, just using very loose language.

And we also have some approximate timing that it takes to develop a “simple” RZ LGR for a script, which is not exactly analogous to amending it but it might help inform how long it might actually take to update an RZ LGR. Dennis, please go ahead.

DENNIS TAN:

Thank you, Steve. Just want to make an observation since we’re talking about challenges, processes, use cases, scenarios and trying to identify [in which] cases an applicant might want to challenge the result of the root zone LGR. Just wanted to observe, when we talk about the root zone LGR, we ought to think about two things since [we have been exposed] to the online tool.

The online tool is an implementation of the root zone LGR. The root zone LGR is a machine readable XML file which somebody has to code that, and then the online tool is another instant and user friendly way to use the root zone LGR. So just wanted to put it out there, observe the nature of the implementation, because there might be human error in coding the XML. The XML is going through several eyes and testing, but in terms of the online tool as well, there is code involved in implementing the root zone LGR file and there may be corner cases in which the implementation was incorrect or there was a miss in a variant rule implementation or what have you. So just consider that as a use case potentially for a challenge. Thank you.

STEVE CHAN:

Thanks very much, Dennis. Donna, please go ahead.

DONNA AUSTIN: Sorry, just to follow up for Dennis. Dennis, when the root zone LGR panel finalizes its work, how is that documented? There's obviously a human step there for the coding. So what's the authoritative document, I suppose that comes out of the generation panel?

DENNIS TAN: Sure. Thank you, Donna. So as Sarmad has explained to us, the root zone LGR is comprised in a simplistic way in a two-way process. So we have first the generation panels, they are the ones that define the rules for each script, so there is a Latin, Hangul, Han script panel, and all their proposals are merged into a single root zone LGR, and this is done by the integration panel, which is a group of experts, DNS experts, Unicode, what have you. again, the integration, the merging process I think is 99.999% to the [spec] of each of the input from the script panels, and that creates the XML. And that's really the authoritative, normative root zone LGR. It's an XML file.

In order to use it though, we need a tool, and that's what ICANN and the IDN [inaudible] has put together for us to use it in a user friendly way. So again, that's a difference. When we talk about the root zone LGR, we need to be careful as to what we're actually experiencing. And again, the online tool is an implementation of the root zone LGR, so chances of human error could be, yes, so maybe there's an opportunity for challenges. Somebody, if they were to read the xml and say, no, these rules should have been implemented this way and not that way, and that allows for a challenge, I guess.

Very narrow scope, but it's possible.

DONNA AUSTIN: Okay. Thanks, Dennis.

STEVE CHAN: Thanks, Dennis and thanks, Donna. Just a quick intervention, I see a couple hands coming up. So the first scenario that we had identified was applied for gTLDs found invalid. I think the discussion right now is a little bit of additional nuance that can be added to this particular scenario. So it could be found invalid because of there just being encoding or transition error from the former RZ LGR to the implementation into a tool, or it could be a fundamental issue with the RZ LGR developed by the generation panel itself. So I think that's what I heard from the discussion right now. Satish, please go ahead.

SATISH BABU: Thanks, Steve. So following on from Dennis's point, the GP are experts in the language. The IP integrates the different GPs' work. And afterwards, there seems to be no interface with the broader language community itself. So the broader language community does not get to see the output of the GP. And therefore, there could be—if there's an error for example, there doesn't appear to be a process step where there is testing or stress testing or exposing—now that we have a tool, automated dictionary words testing with the tool or in some other way expose it to the community.

And that could be a possible problem, either because the GP is not representative enough of the diversity of the community, the language community, or if there are errors. So my question is, do we have any way of testing the output of the integration panel so that we don't have obvious problems like edge cases that Dennis is referring to or other kinds of errors? Thank you.

STEVE CHAN:

I guess my quick reaction—obviously I'm not the expert here—is that it seems like it would be something that should be part of the RZ LGR development process and not necessarily part of the EPDP. I see Sarmad's hand up.

SARMAD HUSSAIN.

Thank you. Just to quickly respond to Satish's comment, as far as the testing is concerned, there is certainly a level of testing which is done by both the generation panels and independently by the integration panel. Generation panels are actually asked by the integration panel to develop test cases for each of the codepoints, variant rules and the label level rules. And they are encoded into a test file which is presented as part of the input to the integration panel once the proposal is completed. And I shared a link in the chat where there's output of generation panels themselves. And for each of those panels, you can see that there is actually a test label file which basically looks at all the different scenarios to test, and it actually has good labels as well as bad labels to test whether the XML formulated is providing the intended consequences.

In addition, when it comes to the integration panel, the integration panel does three levels of testing. First, of course, the test label file is tested again. Then they also look at the existing TLDs which are delegated and test against them for that particular script. And then also, what they tend to do is they've tried to find for that script and languages using that script basically wordlists which are available online. In some cases, we eventually found wordlists which are, if not hundreds of thousands, at least many tens of thousands of words long. And all those wordlists are actually run through the XML.

So I guess it's a way of stress testing it, so to speak. And they actually look at the output results of sending all those wordlists from different languages using that script through the root zone LGR proposal and where they find that there are certain rules which are for example causing too many labels to be invalidated, they obviously point those out to the generation panel to review.

And this is done as part of the review process, so there's a continuous discussion between integration panel and generation panel as these proposals are being developed. And in many cases—and I guess there are some people here who could attest to that as well—there are multiple back-and-forths, in some cases 10, 12 times the interim proposals are exchanged between generation panels and integration panels. There is testing done, reviews done, feedback sent back.

So there is a level of stress testing which is done. I'm sure there's more testing which can be done, but just wanted to share the current process. Thank you.

STEVE CHAN: Thanks, Sarmad, for describing the robustness of the process. Jeff, please go ahead.

JEFFREY NEUMAN: Yeah, I think there's one scenario in here—well, let me go back a step. We have to assume that applicants are going to know zero about label generation rules, about generation panels, about any of that stuff. To them, it's going to be completely an unknown entity. And they're not going to care, frankly.

So what I think we may have is it's possible to have something that's found to be invalid because it is not included in the generation rules or because of a decision made by the label generation panel. And in that case, I'm not suggesting that the arbiter should make a quick decision there. What I'm saying is that it may be something where there's an error that lead to outside of this process so that that could be handled in a different procedure. Maybe it's still invalid for this particular new gTLD round, but it still needs to be worked on separately outside of this process.

So I think we should account for that. And I guess it would be sort of a line from applicant to the relevant generation panel, but then a line that goes completely outside of this process to handle some other way. They're still going to have the result be invalid, but it's not something that should be ignored. And again, we always have to think of the fact that applicants are going to know zero about all the sausage making that went on to develop these rules. Thanks.

STEVE CHAN: Thanks, Jeff. On behalf of Donna, I just want to note we're running short on time. But with that, I see a hand from Justine and then Edmon.

JUSTINE CHEW: Thanks. I was going to say two things and then Jeff sort of triggered some other things. I don't think it's right to say that the applicants should be expected to know absolutely nothing about this. The position I would say is if we make the policy that any IDN-related labels to be applied for have to be compliant with the root zone label generation rules, then that's a policy we make, or if the policy has already been made, then you can't say that the applicants are expected to be ignorant of that. If it's policy, then they need to follow it, number one.

Second thing is, from a past comment that I remember Sarmad making is that this so-called challenge process—and I say so-called because I'm putting it in inverted commas for now—can happen at any time. It doesn't have to happen during an application round. So at any point in time, anyone who's not particularly happy with whatever result that the tool generates, can put through a process.

Now, whatever that process is, I think it was mentioned that possibly ICANN Org should set up a mailbox or a frontline taking that kind of request and then facilitating or pushing it through to the GP for the GP procedure to take place to review it. I think that's something that we need to seriously consider.

But my point being that if this so-called challenge process can happen at any time, it's not contained within the application procedure. Do we still want to call it a challenge? I would be more comfortable calling it something else like a change request, just to distinguish it from a challenge within the application process.

The second reason why there could be a reason for distinguishing it is because in all the other evaluations and even the appeals, it's the body that evaluates that hears the challenge or appeal. In this case, it's the DNS stability panel that is doing the validation and allocability. But if there is a so-called challenge, the challenge goes to the GP, not to the DNS stability panel. So the process that GP looks at whatever grievance the applicant has is actually outside—I see it as an outside process.

And the last thing I wanted to suggest is, is it possible that we could say before an application round is open, we ask that the RZ LGR, whatever version that is, to be fixed so everybody is using that particular version to do their testing? And if there's any so-called challenges to the result, that could be all taken up post the closing of the window and reviewed by the relevant GPs at some point in time in the future or after the window closes.

The reason I'm saying that is because I understand that if you change one element in the GP, it could potentially affect other script GPs' work. So if you're going to take one challenge at a time, I can imagine that the result could be chaotic. So that's just food for thought. Thank you.

STEVE CHAN: Thanks, Justine. Edmon next, and then back to Donna.

EDMON CHUNG: Yeah, just quickly, I think I somewhat agree with what Justine said, and I very much disagree with what Jeff just said. I think if an applicant for an IDN gTLD is ignorant about the root zone LGR process, then they shouldn't be running an IDN gTLD at all. It's like a TLD operator that has no idea of how to run DNS or for a TLD. I think we have to expect that IDN gTLD applicants must know something about LGRs and must be aware of this, or else they're somewhat incompetent, I think.

But I do not disagree with the whole concept that there should be a process that someone can challenge the root zone LGR. But I think it's a little bit different from what Jeff mentioned, but I don't think I completely disagree with him in the sense that somebody coming in, even knowing that the root zone LGR is as such, they would challenge the LGR that is currently in place. And therefore, there should be a process.

And building on what Justine said, yeah, I kind of agree but I disagree at the same time in the sense that I think there should be a challenge process that can trigger something that is outside of the new gTLD process.

So there could be a challenge process from the applicant that triggers a review of the root zone LGR. And that review of root zone LGR would be outside of the new gTLD process. And I think that would make sense. And therein lies where the gTLD process

itself would be kind of on hold and then the review of the root zone LGR process would be triggered and there it goes.

And also, finally, I think we cannot make the root zone LGR process dependent on the new gTLD process, because the root zone LGR process actually runs for both gTLDs and ccTLDs. So we cannot ask the root zone LGR process to be serving only the gTLD process. Those are a few things.

STEVE CHAN: Thanks, Edmon. And with that, I would love to pass it back to Donna.

DONNA AUSTIN: Thanks very much, Steve, and thank you, everybody, for the discussion today. I think what I'm hearing is what we need to do, think a little bit about, is unpack the circumstances for which we think a challenge would be appropriate. I think we've heard a couple of things today from Dennis that the implementation to the tool, there might have been something missed there so there may be reason for challenge there.

The other thing that I'm hearing is that I think we have an issue with we need to separate what goes on with the development of the root zone LGR and then what we're talking about here which is an applied for TLD label. So I think we may need to separate out—think of those things separately, and then see where we are.

We've gone overtime, and I think that is going to be our mode of operation if we don't move to 90-minute calls. I think to be able to

have substantive discussion and actually get into some of this detail, we are going to have to move to 90-minute calls.

So we have ICANN 72 next week so we won't have a call at this regular time, but we will have a working group meeting on Tuesday the 26th from 23:30 UTC. That will be a normal working group call. Based on the poll that we did, everybody seems to be able to make that call, or at least representative members. so we will move forward with the call and continue this discussion next Tuesday. And then I think as Ariel said, we've got a call after that on the 4th of November.

I think what I'm going to do, because I'm conscious that we're losing time on admin stuff, is I want to sort out when we can have that, start those 90-minute meetings. And I know that there's some time changes coming up, so that's going to complicate that conversation a little bit. But I think, if we can, can we all work together to find the time that we can move to 90-minute meetings sometime in November?

So, thank you, everybody, for the discussion today. This may seem painfully slow at this point, but I think what we're having is important foundational conversations that are going to help this move along a bit quicker as we come to the other questions. So with that, I think we've covered Any Other Business, so I think we're good to end the recording.

[END OF TRANSCRIPTION]