ICANN Transcription
IDNs EPDP Charter Drafting Team Group
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JULIE BISLAND: Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP Charter Drafting Team call on Tuesday, the 2nd of March, 2021. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room.

And I would like to remind everyone to please state your name before speaking for the recording and please keep your phones and microphones on mute when not speaking to avoid background noise. As a reminder, those who take part in ICANN Multistakeholder process are to comply with the Expected Standards of Behavior. With this, I will turn it over to Dennis Tan. You can begin, Dennis.

DENNIS TAN: Thank you, Julie, and welcome, everyone. All right. So, let's get right to the agenda today. We are going to continue. We started last week just getting started on section J. So today, we're hopefully going through J through L and that will most cover all section two, except for one question that we have, A10 that we parked until the end. So, if we have time, we'll go back to that one and try to close section two—our first pass.

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We have taken notes and making some adjustments as we progress during our conversations. But we will have to make final adjustments so that this drafting team has the opportunity to look what is going to be close to the end product on section two, purposes.

After that, we'll go to the post-meeting homework as usual and then AOB. And we have one item flagged for us today, which is the Daylight Saving Time change coming up. And then, we'll open for any other business. And Maxim will ... All right. Okay, Maxim. We'll hope you get back soon.

So let's jump right into our document, on section J, unless anybody has any opening comments, observations. Okay. Hearing none, let's start with that.

So section J deals with policies and procedures in general. So the previous section was more centered into registry services and the Registry Agreement and now we're moving on to policies and procedures that may … Let me take one step back—the variant management framework related to the same entity principles, both at the top level and second level, and the expectations as far as lifecycle management, such that the same entity is a feature that persists across the lifecycle of domain names. How does that impact existing policies and procedures?

And we started looking at UDRP, URS, TMCH, and so on and so forth. So did we get Maxim back? Not yet. Okay. So hopefully he will rejoin soon. So we'll start with UDRP. Did this change? I think yesterday it was URS. I think we did some moving.

Okay. So JX, UDRP. And our quick conversation back then, we've established that we're not intending to change the whole policy but specifically look at the issues in which there's the intersection of the same entity principle, as far as UDRP actions. And the one that we honed in was the transfer. As far as transfers, how does the same entity principle need to be consistent with the UDRP action?

And we had a whole conversation, that that's a specific question for the working group to consider. So that's what we captured here in JX. Hopefully that's what we captured here, make it very specific as far as the transfer of the domain name and how one that is part of a variant set needs

to move. That action also applies to all of the variant labels that are within that set. Okay. So that's for UDRP. I think we discussed it and we nailed down what the issue and the problem stemming it is for this one.

Looking at my attendees window, just to see if we have one hand. And we do. Maxim, welcome back and please.

MAXIM ALZOBA: Since the principle of same entity is the basis of potentially changing the outcome of URS, if the principle is approved, it will have consequences in the URS process. So it shall be reviewed there because URS is a decision based on a set of rules. And this is going to be one completely new rule, with different, potentially troublesome moments, like two entities having the rights for the same name but in different categories, like one in boots and another in cars. And who's going to be the winner? The one who complains first? Most probably, it's not the best basis for the fair decision.

So it should be reviewed by those who have experience in this kind of, I'd say, dispute and including those who have experience implementing outcomes of those disputes. Thanks.

DENNIS TAN: Thank you, Maxim. I think we agree that that's an issue that needs to be discussed. But we're trying to stay away from substance, as to what are the use cases. And again, this pertains to variants as they are defined and determined by the Root Zone LGR. And second level, it's a totally different thing. This pertains to the top level—how you move those domain names. It's hard to separate those when you talk about variant domain names. But it pertains to …

And that's what the working group will need to decide, where to draw the line—whether it's just the top-level domain names that are variants of each other or that also contains or includes variant domain names based on the registry operator's policies. So Jeff?

JEFF NEUMAN: Yeah. Thanks. I'm going to make the same statement I made the last time, which is that I think we should not be delving into the UDRP, or for that matter, the URS. We can kick it to the PDP that's going to happen, at least on the UDRP. But we should be talking about voluntary and involuntary transfers. And that's the distinction that should be made.

So obviously, we've covered the voluntary transfers above with the transfer policy. The UDRP transfer is just one example of an involuntary transfer. There could be the involuntary transfer because of a registrar that goes out of business or terminates their registrar accreditation. Or it could be an involuntary transfer due to a court order. There could be a whole bunch of different things.

But I don't think that this PDP working group is going to have the expertise or the personnel to actually discuss the intellectual property and legal components of this. And we do have a UDRP review that is starting. So I would strongly caution against this group biting more than it can chew by looking at intellectual property issues and only looking at the mechanics of how a voluntary versus an involuntary transfer would occur.

DENNIS TAN: Thank you, Jeff. I like the way you are framing the two buckets—the voluntary and involuntary transfers. So the question for this drafting team is how do we capture the question? How do we capture the essence or the problem statement that the working group needs to discuss and to give proper guidance to the other working groups that may or may not be thinking about this whole variant phenomenon? Jeff, is that new hand.

JEFF NEUMAN: No. Sorry.

DENNIS TAN: So I have Maxim and then Ariel.

MAXIM ALZOBA: I think the composition of the group could contain those who are experts in this field, like in RPMs. I don't think those people are going to say, "No. We're not going to participate," because it's in interest of those groups to have things in balance to some degree.

And the second thing, we shouldn't forget that here, the IDN group brings completely new principle, which wasn't investigated at all, because it was invented by the technical people to be implemented in legal field. And saying, "Okay. We're not going to touch this because some review is going to happen in a few years …" Because review of RPMs cannot be started before it's implemented and this implementation is how many?

The next financial year doesn't contain information about implementation of RPMs result, for example. And it means just leaving it hanging in the air for a few years? Then effectively, the same entity principle will not be able to implement because some mechanics which allows for domain to change hands, will not use it.

So it might be reviewed, might be not. But just saying, "No, no, no. it's just change of hands." No. It's a new principle. I'm not saying that domain is not going to be transferred. But transfer is a second effect to the situation where there is a decision that the domain should be either put on ice, like in URS, or change hands, like in UDRP. And I don't think we're deep diving into the changes because it's a change of principle. Thanks.

DENNIS TAN: Thank you, Maxim. I need to go back to one of your remarks because it sounds to me that you are suggesting that the same entity principle has not been properly discussed. I want to gently push back a little bit, just to offer this. The same entity principle has not been using that form. There are Registry Agreements that already incorporate the intent of having, for example, same registrar for variant domain names activation.

The staff paper introduced, I more broadly, the same entity principle as a term. But it was discussed during the deliberations. And actually, we agree that this working group will not revisit that notion because another PDP already discussed, deliberated, and issued a recommendation that that same entity principle needs to be implemented. So I think it sounded to me that you were making the case that that was not the case. And the reality is a different one. So I just wanted to put that out there.

So I think the queue was … Maxim, I think that was the old hand in there. I have Ariel, Jeff, and then I can come back to you, Maxim.

ARIEL LIANG: Thanks, Dennis. I just want to call attention to one of the charter questions that we revised. It's about Jeff's suggestion this working group only talk about the voluntary and involuntary transfer and incorporated the UDRP-related discussion in that charter question. So I just want to point the drafting team to G3, which we moved up to a previous section, which is on page 12 right now. So we have captured that UDRP-related point here. So just want to draw attention to that revised question.

DENNIS TAN: Thank you, Ariel. I'll go Maxim and then Jeff.

MAXIM ALZOBA: I will try to explain it step-by-step. The same entity principle comes out of the work of a technical group of experts. And basically, which was the basement for this, the PDP we are chartering, and for the [operational] stream with the Registries/Registrars.

Before that document, this principle wasn't used. In RPMs, in SubPro, this same entity principle wasn't established. Since it was established only in this process we are trying to follow, then

changes related to it should happen here because if we do not change anything in relation to this principle, we effectively are not going to implement it.

So my thinking is if we are saying that we're not going to touch it, then this principle will not work because work of this principle is registration for the new entity, it's transfer, and it's change in hands. And transfer is a consequence of URS/UDRP and not the basis. We shouldn't fix consequence without touching the basis. It's just wrong from a logical perspective.

And since those processes—I mean URS and UDRP—are allowing to change owner, effectively—the registrant of the domain—it means the bringing a new legal idea, effectively restriction to one entity, should be reflected in legal process. And it's URS and UDRP. And please correct me if I am wrong. But I don't think that we are going to implement it without changing the mechanics using it. Because if we don't change URS/UDRP, we effectively will not implement it to full. Thanks.

DENNIS TAN: Thank you, Maxim. Just doing a time check. So I'll have Jeff, and then Donna, and then we'll need to move on—find a closure on this issue because I think we are going into substance here. Jeff, please go ahead.

JEFF NEUMAN: Yeah. So in the spirit of PDP 3.0, we're trying to create narrow scopes. And Maxim brings up a philosophical point. It's not that I don't agree. It's just such an edge case. Think about everything that needs to happen in order for it to really become on issue. First, a UDRP has to be filed on an IDN name, which is pretty rare, in and of itself. Second thing is, that IDN name needs to be associated with one or more variants and that one or more of those variants is theoretically owned by another IP owner or another IP owner can claim rights to it.

It is so far edge at this point that I think that's one of those things that … We know it's, in theory, an issue. But in order to make this scope narrow—in order to, when we compose this group, to

make sure that they're more technical experts than intellectual property experts and others that would want to weigh in on the IP issues involved, I think it's important for us to narrow the scope as much as possible so that this work can actually get done as an EPDP.

But I have a fear, if we put these philosophical legal issues in when it's such an edge case, it's going to dominate the PDP. And I just don't think it's a good idea, personally. Thanks.

DENNIS TAN: Thank you, Jeff. Donna, please go ahead.

DONNA AUSTIN: Thanks, Dennis. Ariel, can we go back to what you just called out previously, that recommendation? Yeah. Just there. So it says here, J1, "Should transfers ordered by UDRP or any other dispute resolution be treated in the same way, to follow the same entity requirement?" I wonder if there's a secondary question that we could put there, that might cover off some of the concern here. And I'm a little bit lost for what that would be.

But the J1 seems to be a yes or no answer. But perhaps there might be something else that we could add to this that could point to some kind of direction. If it's a yes, then provide—and I need to think about this a bit more but provide advice to the upcoming UDRP/URS PDP or something like that.

I accept Jeff's point about edge cases but if we can find a way to cover this off now, then that means when the edge case comes up in a couple years' time that there is guidance for a path forward. So I just wonder whether there's a possibility that there's another direction piece that we could do with J1 here, that might cover off some of the concern that we have.

And I'll just add that I think we discussed this last week. We need to be careful about getting into the nuts and bolts of the dispute resolution procedures, and the UDRP and URS. I think that is better placed elsewhere. But where we see that there is going to be an impact on those

procedures or policies or the EPDP Team itself, then they should call that out and provide some kind of guidance or direction as to how to deal with it. Thanks, Dennis.

DENNIS TAN: Thank you, Donna. Okay. So we need to draw a line here and move on. I'm trying to find a way to move forward. The problem at its core is how do we make sure that the working group looks at how the same … The heart of this PDP is the same entity principle and how that has an impact in different aspects of the lifecycle of a TLD and the second-level domain names by extension.

So really, the question here, as I think Jeff has put it, is how do we … Transfer is one of those actions in which the action on one domain name will have implications to other domain names. But only the variants. And we need to not forget that when we talk about variants, it's a narrow definition which is given, at the top level, by the Root Zone LGR, and at the second level, by the registry operator IDN tables.

So it is not a case where we have translation or transliterations that are being variants, unless of course the registry operator deems those variants. But we're not talking about those. And sometimes I feel like we are drawing into that part of names trying to be the same, like "car" and "auto" kind of relationship, which is not the case.

Just one second, Maxim. I just wanted to finish my thought here. I think we can abstract this conversation, not go delve into every single policy and see where do we need to surgically look at the issue. But say, "We have this …" And I'm still in Jeff's words here again—the voluntary and involuntary transfer actions. I'm not sure whether creation or updates of domain names will need to look at those as well but let's talk about transfer.

Look at how voluntary and involuntary transfer have consequences to all of the policies which have something to do with it. And we list URS, UDRP, TMCH, as far as creation of domain names—how any of those actions are consistent with the same entity principle. I think that's a

way that we can frame the statement and the problem statement for the working group to look at the issues.

So Maxim, let's make it short so we can move on. And that will be our final intervention on this issue so we can move forward. Go ahead, Maxim.

MAXIM ALZOBA: I think I possibly agree with you that we might add a question, saying something like, "Is it possible to bring UDRP, URS, and the Rights Protection Mechanisms processes into compliance with this new principle? And what is required for that?" so we do not deep dive. And if we don't add this, we will not be able to check because policy review allows to check from the different angles how things will work. That's it. Thanks.

DENNIS TAN: Thank you, Maxim. So, we'll come back to this, framing it in that way, and see whether that's helpful for us to put into the draft. The intention again, section J, is to look at other policies and procedures that might need to be adjusted or looked at to be consistent with the same entity principle. All right. Ariel, your hand's up. Please go ahead.

ARIEL LIANG: Thanks, Dennis. Just very quickly, when we revised G3, we did add this phrase at the beginning of the main question to ask this EPDP to coordinate with the Transfer Policy PDP and the RPM PDP Phase 2 to consider these questions. So hopefully, the main policy or legal review-related issue can be handled by the other relevant PDPs and this particular PDP just consider the transfer-related issue. And then, the coordination can hopefully help bridge the gap. So that's why we have this phrase at the beginning of the main question.

DENNIS TAN: Thank you, Ariel. Jeff?

JEFF NEUMAN: Yeah. So if you scroll down to section J then, given what Ariel and the team added, I don't think we need most of J in the document anymore. Because I don't think … I guess maybe the only question for … So JX, I don't think, needs to be in there because I don't think that that is a unique question for the UDRP.

That is a question of, in general, if a name is transferred, and the transferee, or the person to whom the name is transferred … We're talking about a registrant transfer here. If the new registrant wants to use a different variant as opposed to the one that was primary under the previous registrant, the fact that it's a UDRP transfer or any other kind of transfer doesn't really matter. That's a general question. So you can either put that with transfers or you can just take it out. But there's nothing unique about the UDRP with respect to that.

And then, the URS is dealing with the suspension. And I would treat the URS just like the same thing I said for UDRP with transfers, is the URS is a suspension. So, if a name is suspended, whether it's because of the URS or some other reasons, are we requiring a suspension of the primary name and all the variants or are we only requiring a suspension of the primary itself? I think that's the only real question.

And I don't think the Trademark PDDRP has anything to do with this issue because at the end of the day, the Trademark PDDRP is just a registry loses … In theory, it can be in breach of contract and can lose the TLD. So, I just don't see how that is even relevant or different to any other situation where a new registry takes over. So I just want to make sure that we're not over-complicating this.

DENNIS TAN: Thank you, Jeff. I think that's a good segue to keep moving. Yeah. So I wanted to come back to Edmon's comment on the document about JX, this position change. But I see on

the chat that he's agreeing with you on the conversation. I think that's not longer the case, about this position change. It's something beyond what transfer … The action of the UDRP stops at the transfer and then how the registrant wishes to manage the different variants is going to be a conversation between the registry and the registrant. So that, I think, should be out of scope of this conversation.

So moving on to J2, URS, same thing, right? It's how the same entity needs to be consistent or look at the actions stemming from URS, that it's consistent with the same entity principle. I'm sorry, Jeff. Is that a new hand?

JEFF NEUMAN: Yes. But I'm just wondering, then, can we … With J2, again, I would like to treat all suspensions like an involuntary suspension, whether it's URS, or law enforcement, or DNS abuse. You suspend a name. You take it down. Again, I think it's agnostic to the URS but rather—

DENNIS TAN: Correct. Yeah. That's what we're going to do. We're going to streamline this to make it agnostic to each of these proceedings. Yeah. Not delve into each one of these but say, "As far as the actions on domain name—suspension, creation, transfers—the same entity needs to be consistent with these proceedings." And that's basically what I'm thinking as to how to frame these questions for the next working group. Does that address your concern?

JEFF NEUMAN: I think so. But that would also mean … And I don't see the value of J3 in there as well.

DENNIS TAN: Oh yeah. Stealing my thunder, Jeff. I know we want to continue. But yeah. So J3, yeah. I agree with you. So looking at these, this is something I see. J3, it's about the Trademark Post-Delegation Dispute Resolution Procedure. And as far as the resolution or outcome of it, it's the transfer of the registry operator operations—not operations but legally, the transition process.

So it has to do with the lifecycle. But I see this as similar to an EBERO event, where the registry operator needs to be transitioned to another registry entity. So similar to EBERO, if you are moving one TLD, you need to move all the TLDs that are associated from a variant standpoint. So in this case, I think we can collapse these because I know we are talking about EBERO processes above. So we just collapse PDDRP with EBERO and I think we can be done with that. And I see no wild reactions to that. Okay, Edmon. I spoke too soon. Edmon, please go ahead.

EDMON CHUNG: Sorry. Just a quick note—I guess, a quick clarification question. The RPM Phase 2, does that include PDDRP and basically what we're talking about? Because in the new section that was added after last meeting, it says "coordination with the SubPro IRT and RPM Phase 2." It only contains UDRP? In that case, then we might want to do some … If the future working group that this charter creates wants to ask a question about or do the same coordination …

Let me try to be straightforward. Sorry about this. My brain is still warming up. I think what Maxim is saying is that in order to bring a UDRP or a URS or whatever to the challenge, can a mark holder bring a UDRP or whatever based on a variant of a domain or a variant TLD of a domain? I think, from what I understand from Brian from WIPO, is basically, you can do it now. There is nothing stopping you from bringing a UDRP to a variant of a domain, if it contravenes with your trademark and you say that they're actually registering a domain for that particular—to squat on that variant.

But what Maxim seems to be saying is that there's no clear indication about it and we might need to talk about it. But I don't think this group … And for that, I agree with Jeff, that this future working group doesn't need to really cover it, except if something comes up and it relates to that particular question. We might want to point it out and pass it on to some other group to consider. So overall, I think I agree with Jeff. But for PDDRP and Trademark Clearinghouse, we need somewhere to punt the issue for the coming working group. That's the point I'm raising.

DENNIS TAN: Thank you, Edmon. Good point there. Maxim?

MAXIM ALZOBA: Just short notice. With any PDP, we can talk only if it's alive. SubPro PDP is over. That's it. RPMs Phase 1, which had TMCH and URS discussed, is over. It's too late to communicate with them. If we are thinking about the review, it's going to happen in five years. And this means that if we don't cover this principle, it will be used for at least 5 plus something years. Do we really understand that? Thanks.

DENNIS TAN: Thank you, Maxim. I'm just reacting to the chat. I was going to type it. But the way Edmon described a case on variants … Again, when we talk about variants, we need to be very careful because sometimes, variants mean different things to different people.

But when we're talking about in this working group and the next one, variants need to be … It's very limited definition, based on IDN tables or the Root Zone LGR. So visual similarity, synonyms, translations, transliterations, unless they are in the policy of certain registry operator, those are not variants that we're talking about there. The variants that we talk about here are the ones that are calculated by an IDN table or the Root Zone LGR for the top-level domain name. Edmon, is that a new hand?

EDMON CHUNG: No. Sorry.

DENNIS TAN: Okay. Jeff, I believe that's a new hand.

JEFF NEUMAN: Yeah. So my recommendation is that we save a list of questions that we know we've not put into this charter. We present it to the Council and see if they want to take it up and how. But the issue that's being brought up, that Edmon discussed and Maxim as well, of whether a variant meets the definition of confusingly similar under the UDRP element one, it's going to be so well beyond the general topic of this group that it definitely should not be done by this group.

And it would be such a distraction, especially because there's no "case law" on it. Brian's interpretation from WIPO may or may not be right. And as a panelist, it's not Brian that gets to determine what panelists decide. But at the end of the day, it's a very, very, very complicated legal question that, if we want, we should make the Council aware of it, that this is a question that could come up but we do not recommend it be included in the charter for this group because it will take this group well beyond the mostly-technical policy-related questions. And forget EPDP. This would be years.

So I think we compile a parking lot list of questions that we know we're not putting into this charter, present it to the Council, and see if they want to take it up, and how, if they do.

DENNIS TAN: Thank you, Jeff. Maxim, again, I think was a [reply] on that one. Maxim, please go ahead.

MAXIM ALZOBA: Just short notice. Policy decisions are made in PDP, not in IRT because IRT is only about implementation of what was decided in PDP. So talking to them will not help us at all. And Jeff has understood me a bit wrongly because my idea is in situation of conflict of two seem-to-be-rightful owners for the registration, who is going to win? And it's not just a theoretical idea because we've seen situations where companies have right for the same string because of the RPMs.

And if we decide to leave it for future, we will first violate what was decided in the scoping team because this very question, I raised there, that it's going to cause issues. And it was decided that it will go into this very PDP. So if PDP is not going to take it, then we will have a situation where we are going to change some basic principle of who is the rightful registrant without properly the review. It's so wrong. It will bring us to court—registrars, registries, and having overturned, I'm not sure it's a good idea. So basically, we had a decision supported by GNSO Council that it should be reviewed here. So, why not? Thanks.

DENNIS TAN: Thank you, Maxim. Donna, please go ahead.

DONNA AUSTIN: Thanks, Dennis. I must admit, my head's spinning a little bit. I don't disagree with Jeff's suggestion that we have a parking lot of questions. But I think before we punt them anywhere, we should do a test to see whether they fit within scope of this EPDP or not before we decide to push them somewhere else. So maybe that's just a cross-reference check or something that we could do because there seems to be a little bit of disagreement about what's in scope here and what's without. So maybe that's our first test that we could do, once we get through identifying what those questions are.

DENNIS TAN: Thank you, Donna. So we need to find a way to … I think there are some good points here, some agreements. So I will need to relisten to the recording and come up with a way to frame these issues, or this series of issues that span different procedures and policies, and come back to this working group to see that we get it and try to address the problem at hand. But we need to keep moving here. I think we covered J3.

Now, moving on to J4, TMCH. So this has to do with Trademark Clearinghouse that is used within the sunrise and claims period. I did find a section within the Rights Protection Mechanisms, section 2.4.2, in which … I think this is during the sunrise period. When a registry operator has implemented … It's in my comments in the document. So if they do offer variants in that particular script, they may allocate or register the IDN variant label generated from a label included in a valid SMD. So it sounds like TMCH already addresses the issue of variants at the second level or the domain names that are being registered through the Trademark Clearinghouse.

So I don't think that this working group needs to revisit that. I'm assuming SubPro already also is addressing changes to RPMs. Or there was an RPMs PDP. So I'd like to see any reactions here. Maxim, please go ahead.

MAXIM ALZOBA: Since TMCH allows the same string to be brought by different entities, if they have proper trademarks, effectively this … If we don't insist that it's the TMCH obligation to include all variants—I don't know why we should insist on that—then it's going to be resolved on the registry and the registrar level. For registry, it might be an issue of a claim notice that the entity should receive claim notice for one string, or for one string, all variants. We don't know this yet. So I think it might be resolved on the registry and registrar side without touching of TMCH is my thinking. But I'm not sure. Thanks.

DENNIS TAN: Thank you, Maxim. I think it is going to continue to operate the same way it did back then. But I just wanted to point out that. Sorry, Jeff.

JEFF NEUMAN: The TMCH the one that's responsible for putting together the list of names and their list of strings that would be protected. So it's not the registry responsibility. But it's the TMCH to generate the list. And if it needs the variant tables to generate the list, then I see it as the TMCH responsibility, not necessarily the registries.

But at the end of the day, because that's more substance, why …? This question is not really a question at all. This is a policy statement made by the Security and Stability Committee, which I think is inappropriate to begin with. So we can point to the fact that there is an SSAC discussion on this. But I disagree that, from a security and operations perspective, domain names that contain variants of a mark must be protected during the sunrise and claims period. So I don't disagree with that personally but that is a policy statement that needs to be made by the GNSO.

So the way that this is worded, it's leading the working group to a specific answer and I don't think that's appropriate for a charter to do. So I'm just going to ask that this be reworded as more of question, as opposed to a statement and a verification. Because again, this SSAC is not a policy body. So it's very different than if SubPro had made a policy that's now adopted and eventually approved by the Board.

So I guess my point is that we should be making it much more objective because the SSAC … I think it's Maxim, right? As Maxim said, the SSAC is not policy but we're making it sound like it is. So I'd like it more objectively worded.

DENNIS TAN: Thank you, Jeff. It's funny because I was rereading these. And I was kind of in the same camp as you. This is a policy position. Why does a mark need more protection or must be protected, as opposed to all of the names? So I have Maxim.

MAXIM ALZOBA: Yes. I agree with Jeff that we shouldn't integrate a SAC advice here. We might take some ideas and put it into the form of a question. And about J4, variant one, about a registry checking TMCH, it's not possible because registries are prohibited from touching TMCH, effectively.

JEFF NEUMAN: So what happens is that the TMCH generates a list and that list is passed to the registry. But as Maxim says, there's no checking. It's just registries get the list and then it acts based upon that list. Let's the registrar know if the registrar needs to download a claims notice or whatever. But yeah. There's no checking.

DENNIS TAN: Yeah. So we'll abstract this J4, I think, the same way as for URS and UDRP. Okay. So, Jeff, Maxim, are those old hands? Okay. Maxim, is that a new hand? Okay. Old hand. Okay.

So moving on to J5. And I here put a note as in I stopped reading this. This is out-of-scope and more guidance for a TMCH operator, how to register, record their marks into the databases using NFC and following some other guidance. So I'm not sure this is really something for the working group to deal with. But I'm happy to take any observations here from the group. I have Maxim and then Jeff.

MAXIM ALZOBA: About exact match, this idea was discussed in RPMs, well in-depth. And alterations from the exact match rules were not supported. But the thing is, if it's about only the slight change of trademark, it was discussed in RPMs and we cannot go inside.

If it's about comparison of string and variant and granting the same kind of protection—existence in the database, which will lead to claim notice or the restriction for the registration during the sunrise, I would like to correct myself because on the previous stage, I thought that we could leave TMCH as is. But now, I see that it's not a good idea because registry cannot exchange information with TMCH. It cannot say, "Oh. By the way, I found something which is a variant. Please add it there." It's not designed this way.

So it's top-down. Registry has a list of things. It checks the new registration versus the list. And by the way, if we are talking about the simultaneous registration of all variants of the string, they should be processed somehow similarly. Not know yet how. Thanks.

DENNIS TAN: Thank you, Maxim. Jeff?

JEFF NEUMAN: Yeah. So this is a question for Maxim then. Are you saying that the RPM Phase 1 discussed whether variants would qualify as a string for the exact match? It's not changing, right? It's basically saying, "Is a variant an 'exact match' for purposes of the sunrise and/or IP claims process?" So that's an issue that was discussed?

MAXIM ALZOBA: No, only change of exact match. There were no discussions about variants.

JEFF NEUMAN: Okay. So the narrow question is, is an IDN variant an "exact match" of a trademark? In other words, it's like … So there are rules within the claims process and sunrise that says that it can be an exact match if it's got hyphen in it or other characters. I guess this

question, which I don't think really can be considered by this group, maybe, because it's more policy. Yeah. Sorry.

DENNIS TAN: Sorry to interrupt. I don't mean to be rude. But Jeff, I think we're talking about exact match in two different contexts. I know what you mean about how a Trademark, which is a freeform text as natural language, how do you transfer it to a DNS label that is going to be recorded in TMCH for the purposes of domain names? And that label becomes the canonical exact match of the domain name that you need to register during the sunrise or claims period.

This J5 pertains to the technical exact match definition, when you talk about string matching—when you need to compare two different strings in different systems and you make sure you are looking for the same thing. It has to do with, as in the first bullet you see, that they are recommending that you need to store the strings in NFC, such that the sequence of code points … I'm sorry. What was that? It's just the sequence of the characters need to be recorded in a certain way so that when the registry does the exact matching, we are talking the same language—NFC, anyway.

So different exact match definition here. And that's why I'm saying this is more about TMCH using best practice for Unicode, rather than policy or otherwise. That said, Maxim, your hand's still up.

MAXIM ALZOBA: It's a new hand, if I may.

DENNIS TAN: Yeah. Really quickly because we have less than a minute.

MAXIM ALZOBA: Just short intervention. We should compare same scripts. If the string is in ASCII, it should be compared to string ASCII. If the variant one of this string is in Vietnamese, it should be compared only to Vietnamese items and so on. Thanks.

DENNIS TAN: Yeah. Absolutely. I'm with you. And not only that, the code point sequence, especially when you have composed characters that can be entered in different sequences. So you need to make sure that you are comparing a canonical form in the NFC—the Normalization Form C of this string. So again, I think it's very technical.

So we are at the top of the hour. We still have remaining items here, J6, K, and L. So we'll need to review those for the next time we meet, which is … Do we still have a meeting next week, Ariel? Because I know prep week starts but I know that we're not meeting in … Yes, Ariel.

ARIEL LIANG: Yes. We have two more meetings before ICANN 70.

DENNIS TAN: Oh, okay. So two more meetings. And I want to quickly go to our AOB because this has to do with the timing. We are changing times in about two weeks' time or after two weeks' time so we need to revisit that. But I don't think we have to make a decision today. We just need to make sure next week, we agree on what's going to be our meeting time when the Daylight Saving Time enters in effect.

So really quick, for next week, we're going to cover J6 section K, section L, and go back to A10. That was the last question that we parked for the end of section 2. And that will bring us to our first pass on section two. And we're then going to have a clean copy of this charter so that we can review. I have Maxim and Donna. Oh. Maxim, okay. Donna, please go ahead.

DONNA AUSTIN: Yeah. Sorry, Dennis. This might be a little bit off-track but was there an email from the Council about the Guidelines Version 4 and trying to formalize those, absent this EPDP taking place? I was just catching up on something on the Registry list and I just wondered whether I misunderstood.

DENNIS TAN: No. I think you're right. The GNSO Council has sent a note to the CPH leadership, as far as guidance for next steps on the operational track—specifically on the IDN Guidelines Version 4. And the ask was that the CPH come up with what are the issues and list those issues so that we can find a way to resolve those issues. So I was depending on listing those issues. And I think that's the email that you saw from me on the Registries Stakeholder Group list.

DONNA AUSTIN: Okay. All right. Sorry. Thanks, Dennis.

DENNIS TAN: You're welcome, Donna. No problem. All right. So that's it for today. Thank you very much for bearing with us, four minutes past the hour. So look forward to our next meeting next week to finalize section two. Again, I'll repeat first part of this section two. We'll then go over a clean copy of it. I think we are going to do it offline, based on our action plan. But we'll take it one step at a time. So with that, thank you very much for today's meeting. Hope you have a great day, rest of the week. And we'll meet again next Tuesday. Thank you very much.

JULIE BISLAND: Thank you, Dennis. Thanks, everyone. This meeting is adjourned. Have a good rest of your day.

[END OF TRANSCRIPT]