
ICANN Transcription

IDNs EPDP

Thursday, 01 December 2022 at 13:30 UTC

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP call taking place on Thursday, 1 December 2022 at 13:30 UTC.

We do have apologies from Abdulkarim Oloyede, Nigel Hickson, Anil Kumar Jain.

All members and participants will be promoted to panelists for today's call. Members and participants, when using the chat, please select everyone in order for everyone to see the chat and so it is captured in the recording. 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. If you need assistance updating your Statements of Interest, please e-mail the GNSO secretariat.

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All documentation and information can be found on the IDNs EPDP wiki space. Recordings will be posted shortly after the end of the call. Please remember to state your name before speaking for the transcript. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you. Over to our chair, Donna Austin. Please begin.

DONNA AUSTIN:

Hi. Thanks, Devan. Welcome, everybody. I'm just noticing our attendance today is a little bit light. I suspect that is because the IGF is taking place at the moment. I'm a little bit hesitant to continue but we will. Those that can't attend will have to catch up with the recording.

Okay. Do we have an agenda for today, Steve? Thank you. Our wonderful support, Ariel, is taking some time off this week so she's not with us. So Steve is going to be looking after us today, Steve and I. A lot of the stuff we're going to go over today, I just want to do a recap of our last call which was two weeks ago on delegation of variant gTLDs versus primary, just to kind of bed that one down so we can start developing draft language. Then we're going to continue E2. We're trying to map out processes, so what happens in the event Legal Rights or Community Objections occur and what the consequence of that is. So that's what we'll go through today. Maybe we'll get through it a bit quicker than usual. Okay. So is there anything else I was supposed to note, Steve?

STEVE CHAN: Nothing comes immediately to mind.

DONNA AUSTIN: It's a bit early for Steve and I so we're not at our very best at this time in the morning. Okay. So let's move on to B4.

Okay. So just a recap, really, and just to confirm that this is where we think we are. The question was 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? The conversation we had previously on this came to, I guess, the common understanding that if an applicant is applying for an IDN gTLD and variants, the assumption would be that those variants and primary we'll be operating together. So in terms of the delegation timeframe, we didn't think there was really any reason to extend that beyond what's already in SubPro, regardless of whether you had the primary TLD and the variants and the timing would be the same. So should a variant gTLD be allowed the delegation primary to delegation of the primary string? The EPDP team agrees that the sequence for delegation of the applied-for primary string and the requested allocatable variant label should not be mandated by policy. The scenario where a variant label is delegated prior to the primary string should be allowed.

So this is really in recognition that there's no technical reason why this can't be done. We also don't see why the policy should dictate one way or the other. We acknowledge that the primary or source label is important to be able to identify the allocatable variants and blocked variants. But that's really the role of the primary or source

label. So we're decided that we don't need policy on that. The applicant can delegate according to their preference.

So, on the second question, should the primary string and allocatable variant labels that pass evaluation be delegated within the timeframe as affirmed by SubPro recommendations? With this, we agreed. So yes, the EPDP team agrees that the primary string and the allocatable variant labels that pass evaluation should be delegated within the timeframe as affirmed by the SubPro recommendations. However, as noted in response to question one, the sequence for delegating these labels doesn't matter as long as they are delegated within the required timeframe. Just a reminder that I think that timeframe is 12 months, 12 months from the time you sign the contract. So contracting could take a little bit of time. But once you get through that step, the clock starts ticking, and you have 12 months to delegate the IDN and the requested variant.

Okay. Does that equal everybody else's recollection of where we got to on our last conversation on this? Or is there anything here that raises concerns for folks? Dennis, go ahead.

DENNIS TAN:

Hello, Donna. Dennis from Registry Stakeholder Group for the transcript. Just one question perhaps, actually, a clarification. We talked about initially a process by which the applicant would request a deferral or delay of delegation of different variant labels, for example, 12-month extension from the required date. I just want to clarify, that's not the case where this group is going. I just want to have clarification, whether that's going to be considered

later or we're simply not allowing that use case or scenario. I'm not advocating for it or against, I just want to clarify whether that is in or out or potentially for future conversation. Thank you.

DONNA AUSTIN:

Thanks, Dennis. It's a good question. Steve, help me out here. But I think the intention here is that SubPro recommendations do allow for applicants to seek an extension to the delegation timeframe and they would work with ICANN in relation to that. So that still applies here as well. So there is the possibility that if all the strings aren't going to be delegated within the 12-month timeframe, they could seek an extension.

Maybe what we do need to just state for clarity is—I guess this is something we did not discuss—but the policies that you need to delegate your primary and variant labels within that 12-month period but you could seek an extension for some of those variants. So you might get the primary delegated within the 12 months, but then you might want to seek an extension to get those other two or three variants delegated. So maybe we should off interested from the group but perhaps we should make that explicit if that is our intent. Does that answer the right question, Dennis?

DENNIS TAN:

Thank you, Donna. Yes, it answers the question. What I'm hearing is the baseline process allows for an extension, we would just clarify that that can be used. Applicants can avail of that process for extension of delegation. But we're not putting something explicitly for accommodating variant labels. Okay. Thank you.

DONNA AUSTIN: Thanks, Dennis. Justine?

JUSTINE CHEW: Thanks, Donna. Just to complete the clarification, I guess. Can we get an idea from staff maybe on, if we use the 2012 round as an example, can we get an idea of the types of reasons that the applicants have put up to get the extension? And number two, whether there is a limit on the number of extensions that they can get?

DONNA AUSTIN: Steve, do you have thoughts on that?

STEVE CHAN: Thanks, Donna. I don't. I was considering the way that that was phrased seem to be an action item for us to follow up with our colleagues probably in GDS. I guess I would note that I recall how it's phrased. The exception is based on the applicant convincing ICANN that it's working in good faith to try to achieve delegation. So it's seems like it's fairly broad but we will try and find some examples, and then also to the part you asked about. I'm blanking. It's really early.

DONNA AUSTIN: It's okay.

JUSTINE CHEW: Whether there's a limit to the number of extension applications can be considered. Thanks.

DONNA AUSTIN: Okay. Thanks, Justine. We'll look to Steve and the team to follow up on that and come back to the group. But notwithstanding that, is everybody okay with how we summarize our previous discussion on these topics, or any other questions? Okay. It looks like we're good. Let's move on, Steve. Okay. Steve, I'm handing over to you now.

STEVE CHAN Yes.

DONNA AUSTIN: Okay. Thank you very much.

STEVE CHAN: No problem. Thanks, Donna. Doing my best to try to imitate Ariel but good Ariel impressions don't come before 6AM. So bear with me and I'll try to do my best.

The discussion today, we're going to go over the preliminary direction for objections. So what we're going to focus on in particular is the likely outcomes of successful objections. We had looked at where this group had thought it might want to go, but we hadn't really looked through and thought about carefully the implications. In particular, we want to look at that in respect of Legal Rights Objections and Community Objections, where you

can see on the screen the group is still deciding between two options. It's particularly important in that case to consider what the outcomes of successful objections would look like there. So for completeness, we're going to look at everything, though, just to make sure we have a full sense of what it looks like. So that means that'll include the String Confusion Objections, which are, at least from the staff side, pretty straightforward, then also Limited Public Interest which will essentially look like Option 1 for Legal Rights Objections and Community Objections.

So just really quickly to run through this—actually, just one more clarification. This group is not looking at changing the standard for review of objections. It's merely looking at which aspects of the variant set should be eligible for possible objection in the objection processes. From that respect for String Confusion Objection, the group is trending towards us utilizing the hybrid model. So anything that is applicable to hybrid model can be used for potential grounds for objections. For Limited Public Interest, the EPDP team is looking at only allowing for the primary applied-for string and only requested allocatable, not non-requested as eligible for objection. Then for Legal Rights Objections and Community Objections, it's either Option 1, which is the same as I just mentioned for Limited Public Interest, so specifically primary applied and then requested allocable. Or Option 2 is the primary, all allocable, which would include requested and non-requested allocatable variants, and then all blocked variants. Again, the group is deciding between those two options. If I'm not mistaken, it seems like the group is actually trending towards Option 2. Actually, it's on a slide. Of course, Ariel developed these slides

and that's why they always look great. Dennis, I see your hand, actually, before I move on. Unless that's an old hand.

DENNIS TAN:

Thank you, Steve. I'm not sure if I should disrupt the flow. Maybe I can just call up until you finish and then come back to my question.

STEVE CHAN:

Okay. Sounds good. I'll hit a pause in a moment so that might be a good time. All right. What I was mentioning is that the team seems to be leaning towards Option 2. So the rationale is that a variant label may potentially block the future application of a certain string due to the hybrid model use for string similarity review.

There's an exception process that has also been discussed. It's actually on the agenda. But we're actually still waiting for a write-up of what that exception procedure precisely means. We're still waiting on that from Jeff. We'll follow up again with him after this meeting.

There is a suggestion to remove the blocked variants that are not well formed. So in other words, mixed script from consideration, which I think is also a suggestion for the hybrid model itself. I mentioned this at the beginning of discussion with the team has not discusses the consequences or outcomes of successful objections based on the different use cases. And it seems like this would be very helpful in determining which is the appropriate option, particularly for Legal Rights Objections and Community

Objections. Like I said, we will take a look at all the objection grounds just for completeness but some of them should be pretty straightforward.

We have this. By way of background, you've probably seen this slide several times. I'm not going to go through in detail but we do have it in case we need it. But what we really want to look at, like I said, is the outcomes. For that purpose, staff developed these process flows to help determine and make sure we understand what the outcome would be in the event that objections are successful.

So at least from the staff side, we think for string confusion, the outcomes seem pretty logical and it seems like there's only two options. So, in the event the objector is another applicant in the process, there is only one outcome that seems to make sense that both applications would be placed in a contention set. Whereas path two here where it's an existing gTLD operator where they're successful, the only option or only outcome is that the application is ineligible to proceed. So at least from the staff side, we think it's pretty straightforward and these are the only two outcomes where there's a successful objection.

I'll pause for a moment to see if there's any questions, confusion, or disagreement on what we think are the potential outcomes. Dennis, I'm not sure if your question is timely, if you still want to wait.

DENNIS TAN: I'll take advantage on the queue. I have a question on this one, but I like to go back when it's time to go back to the slide number one. I think this is clear. Yes, I like this diagram to really lay out who's the objector here and what happens in each scenario. My question is—so really what it's suggesting here, the objection could be not for the primary label, right? And maybe this is where my confusion stems since we are talking about the String Confusion Objection and subject to the hybrid model. So I just want to clarify what exactly this means. So am I the objector, I'm not an applicant, and object to a blocked variant or only for the primary and the requested allocatable variant labels? The way it was presented on the first slide confused me as to what is actually the label that I can find an objection against.

STEVE CHAN: Thanks, Dennis. Justine, did you also want to go? Or maybe you want an answer to that one?

JUSTINE CHEW: I'll let you answer Dennis's question. My question is more simple. I guess to complete this particular flowchart on slide nine, so you only have the path that shows if an objection prevails. So we neglected to put in the path where the objection fails. So in this sense, where the other party is another applicant, if the objection fails then both the strings will go through the remainder of the evaluation process. For part number two, if the other party is an existing TLD operator, I'm actually not quite sure what would happen if the objection fails because of what Dennis has said in

terms of whether it matters if it's a one of the variants on both sides, if you catch my drift. Thanks.

STEVE CHAN: Thanks, Justine. I'm not sure I get the question on the existing operator part of that. Maybe Dennis can answer that one.

JUSTINE CHEW: If I can just clarify, what happens if the existing operator, they're objecting to their variants being in that contention, so to speak?

DONNA AUSTIN: I think what Justine is saying is if the existing TLD operator that has objected to the string does not prevail, then the application continues through the application process, is that right, Justine?

JUSTINE CHEW: Kind of, yes. I'm just trying to follow the path of what would happen if the objection fails, and whether the two particular subject strings are variants of one TLD or primary, whether that matters.

STEVE CHAN: Thanks, Justine. We'll go back to Dennis's question too. But from the staff side, why we focused on the outcomes is that our presumption was that if the objection fails, that more or less lets the application, or in the case of an applicant being the objector, they essentially move on their merry way along the process. So

essentially, nothing changes for the application. So in the case I think you're talking about for the existing TLD operator where the objection is unsuccessful, it doesn't seem like it has any implications on the application. Since it was unsuccessful, it seems like the application can continue to proceed. So that seems like that would be the case. No matter what the objection, string is in reference for the existing TLD operator. Does that help?

JUSTINE CHEW: Yes. Thanks.

STEVE CHAN: Okay. Thanks. Going back to Dennis's question, the purpose of this group is to really consider which strings are appropriate to be allowed for serving as the grounds for objection. The short answer, I think, to your question, Dennis, is whatever is appropriate for the hybrid model would be appropriate for an objection. So, any of those lines that go back and forth between the two labels would seem to be within the realm of being possible for objection here. So even if the assertion is that a blocked label one is confusingly similar to the primary or allocatable variant of another, the outcome would still be to place them in a contention set. So that's my answer to your question, Dennis. Go ahead. I see your hand.

DENNIS TAN: Thank you, Steve. I'm still unclear. Maybe this is how my head is working right now at 9:00 in the morning, I need more coffee. But the when we talk about the hybrid model in this string similarity

purposes context, this is where the string similarity review is done by a third party. This is my assumption, and maybe I'm wrong, so I'm happy to be corrected there. So going back, the string similarity review is done by a third party. It's neither applicants nor existing TLD operators. This is done independently of objections processes bring forward. So the third party would use the process or the hybrid model to take one, the TLD being applied for and compare it against all the options or labels as the hybrid model was put together. But when we move on to the objections round, we're talking about parties that have a standing in the application process, whether it's an existing TLD operator or another applicant. So they will object to something, and that's where we were talking about the options one, options two. So I think that was where I was confused. Why the String Confusion Objection was talking about the hybrid model instead of Option 1 and Option 2 as we have been talking about in the Limited Public Interest, Legal Rights and Community Objections as two options? Think that's where I was confused. Why is that we're talking one, not the other. Again, in a String Confusion Objection, whether the applicant or the existing TLD, am I objecting to the whole set? Any label in the set or just the requested labels in that set? I hope that makes sense and it's clear.

STEVE CHAN:

Thanks, Dennis. That's a great question. I think I have an answer but, Donna, did you want to go ahead?

DONNA AUSTIN:

Yes. Thanks, Steve. Steve and I had a bit of a conversation about this yesterday. My personal perspective on this is if we allow for objections to be filed against all the allocatable variant labels and all blocked variants of the primary, then it has the potential to become extremely messy. Not just messy but could extend the process considerably for an applicant. So my personal thought on this is that for Legal Rights Objections and Community Objection, the only strings that you can file those objections against is those that have been applied for in the process. So the allocatable variants and the blocked variants don't come into play if they haven't been applied for. I'd like to give folks some time to think about that. But if folks think that makes sense, then we would explicitly have to call that out that Legal Rights Objections and Community Objections could only be made against the primary or the applied-for strings. Dennis, is that where you're getting to? Or is that the question you're asking?

DENNIS TAN:

Sort of. I don't disagree with anything that you said. I think my question is or maybe what the nuance difference here, looking at this slide here, bullet number two and three, we're clearly saying which are the options. In bullet number one, we're not clearly saying objections can be filed against the primary and the requested allocatable, and we are referring to the hybrid model. That's where my confusion is coming from. Because I am not sure what that means in terms of the String Confusion Objection. Does that make sense?

DONNA AUSTIN: Yes. So it may be why do we even reference the hybrid model here? Okay. I think we need a little bit of time to unpack what we meant by that and maybe we'll come back to it later. Steve? Sorry, Dennis. Go ahead.

DENNIS TAN: I just wanted to add something. Again, I didn't hear whether I was wrong or correct. My argument here predicated on the assumption that the String Confusion Objection and the string similarity process are independent, and each one of those process have different actors that play a part. So we should not be confusing one with the other. I think that's what I'm getting at.

DONNA AUSTIN: Okay. Thanks, Dennis. Steve, I'll hand it back over to you.

STEVE CHAN: Thanks, Donna. Thanks, Dennis. I see some hands. A hand has popped up—unless Dennis is getting back in the queue. So I will try and provide an answer. I think I understand the question, which is why is the String Confusion Objection ... With the possible strings for objection, why are those potentially different than the other three objection grounds? I guess, by way of background, to the other part of your question, you're asking I think, is the process different and run by different panels? At least if you look at 2012, that's definitely a yes. So there's a little bit of a difference in the way that the hybrid model would be, presumably, I guess, we don't know for certain, how it will be deployed for the two processes. So in the instance of string similarity, the hybrid model

being used there, there's a presumption that every single permutation would be considered by the evaluation panel. And the standard for review is limited to just visual similarity. So I think the big difference there and distinction I want to make is that the panel is expected to look at every permutation that comes out of the hybrid model. Whereas for the String Confusion Objection, the standard for review is a little bit different, or I guess the possible grounds for objection where it can be visual, aural, or meaning I think are three different aspects. In that instance in which particular string in the hybrid model is intended to be used for the objection, I think the way that it works is it's the prerogative of the objector to determine which strings are appropriate to support their objection. So that could be the entire set. It could be the primary label or it could be only the allocatable variant or blocked variant. So it could be any of those or any or all this, and I think that's the difference. Whereas for string similarity, all permutations must be looked at. Whereas for string confusion, the hybrid model is saying which strings are allowed to be useful to support your objection, and you get to pick and choose any or all of them. So, I suppose you're right, it probably is the Option 2 model. To me, that's an easier way to think about it. Michael, I see your hand.

MICHAEL BAULAND:

Thanks. Maybe to also try to answer the question or comment regarding the confusion, in point one, we're really comparing two labels, two applications, two labels with variants with each other. So that's probably why we are talking about the hybrid model here and not writing Option 2, because Option 2 just includes all blocked variants but the hybrid model is not really all blocked

variants but it's, as we know, just combinations without comparing blocked with blocked. For the points two and three, if I understand correctly, we're not comparing two labels with variants but we are looking at one label with variants and then just have an objection reason. So that's why the wording is different between one, two, and three.

STEVE CHAN: Thanks, Michael. That makes a lot of sense to me and why it's logical to make the distinction here between the hybrid model versus Option 2. I hope that helped others as well. Dennis?

DENNIS TAN: Thank you, Steve. I'm sorry. I missed it because I was busy on my own thought process. What's the distinction between the hybrid model and the Option 2 here on String Confusion Objection? What's the difference?

STEVE CHAN: I'll try to summarize in brief, and then if I don't get it right, then Michael can come back on the line. So the distinction I think Michael is making is that for a String Confusion Objection, the hybrid model is being referenced because it's essentially a consideration between two strings or two sets, potentially. Whereas for Limited Public Interest, Legal Rights Objections and Community Objections, it's all in reference to a single application, and the objector objecting against whatever this team determines is appropriate for possible objection. So the distinction is for string

confusion, it's potentially between two applications. Michael, hope I got that right. Hopefully that makes some sense, Dennis.

DENNIS TAN: Yes. I mean, one of the objectives could be an applicant. And the applicant finding the objection would need to say, this label, whatever they will use, is confusingly similar to a label in my set.

JUSTINE CHEW: Dennis, if I can just point out what I put in chat. I think what Michael was trying to say is you have two applicants, assume that it's two applicants. So, one applicant can't use the blocked variant in its set to argue that it is confusingly similar to the blocked variant of the other applicant as a ground for the objection. You can use something else but not blocked against blocked.

DENNIS TAN: Blocked against blocked, that will not be allowed.

JUSTINE CHEW: Correct, because that's not what the hybrid model facilitates anyway.

STEVE CHAN: I see Michael with his hand up, maybe a timely intervention again. Just a real quick comment, I think a super oversimplified response to why the hybrid model would potentially make sense for string confusion is because you could probably construe the String

Confusion Objection as sort of an extension with even more grounds for it versus the string similarity evaluation. Because the string eval seems to be settling on the hybrid by extension, it seems to make sense to also allow that to be the potential grounds for objection in String Confusion Objection. Michael maybe has a much better response than that.

MICHAEL BAULAND:

I don't know whether it's much better, but maybe looking at another angle that makes it maybe more clear. Can you please turn back to the page we just saw with the one, two, and three? Yes. Thanks. So for point two and three, I think you can file an objection without having an application in the process yourself. That means the hybrid model is not the thing to look at because hybrid model always has to have at least two applications to compare to other two sets of variants. But the point two and three, you can just file a Legal Rights Objection because you say that any label, you don't have to have applied for it. You can just say, "No, one of your variants is a legal rights problem with this string." That's why for those points, we have the Options 1 and 2 but not the hybrid model. Thanks.

DENNIS TAN:

Okay. Thank you, Michael. I think I'm getting to it. So thank you for indulging and allowing me to process these. So there are two things here, right? What are the labels that an objection can be filed against? That's where we have the Option 1 and Option 2. As far as the objector, what is the label of the string or what have you that it's going to use as a basis for the objection? Legal Rights,

very clear, right? It is a trademark service or what have you, some legal standing there, Limited Public Interest, same Community are the same. When it comes to string confusion, what I'm saying—and now I understand why the hybrid model references here—because, if you will, if you remember our slides, we will only allow for the left-hand side of the hybrid model, the level two, I believe, the strings requested for in the application are going to be the basis for the objection, can only file against on the other side for Option 1. I think that will be the case as well or maybe not, let's say.

Is that the way to see it? If there is an objector and it's the other side, the objectee, I'm not sure, I'm just maybe inventing words here. But I think that's where we are getting at. So the two sides and we're trying to define what are the labels that you file against? That's going to be the parties subject to the objection. And the objector who's going to be saying, "Okay, this is my basis for the objection. These are the labels that I'm using for the basis of the objection." Thank you.

STEVE CHAN:

Thanks, Dennis. I think that the concept that you're talking about is a good way to look at it. Essentially, the left side is, as the objector, you're determining which one of the labels you want to establish as potentially confusing. I think the precision for which ones are in play, I think that might have been a little bit off. I think you as the objector can say that your primary, your allocatable, or your blocked variant, there's confusion between that and the primary or allocatable variant of the—"objectee" I think is the word you used. But conceptually, I think what you said seems to make

sense. Lots of words. That aside, hopefully that helped clarify things a little bit, Dennis. I'm sure you still want to give this some thought.

That all said, that was supposed to be the easy one and we're supposed to go and look at Legal Rights Objections and Community Objections, and to help understand the difference and implications of Option 1 and Option 2. So if folks don't mind, I'm going to try to move us forward a little bit and see if we can make a little bit of progress and make our way down to bullet points three and four.

All right. We'll look very briefly at Limited Public Interest, just like I said, for completeness. But in this case, there is only a single option and this option is going to mirror Option 1 for both Legal Rights Objections and for Community Objections. So once we look at those two, this will look very familiar. Again, from the staff side, we tried to think through what the logical outcomes of a successful objection would be in this case.

So you'll see three permutations that we looked at. So we assume that in path one there, the objection and it's successful, is only against the primary string. So in that case, our logical outcome is that the application is ineligible to proceed since the primary string is primary and it sort of controls a set. If that one is successfully objected against, then the entire set cannot proceed forward.

I'll go through all of these and then see if there's any questions about what we think is a logical outcome. So in path two, what we are looking at here is that the objection is successful against one or more of the requested allocatable variants. This would not

include the primary string. So in this case, what we thought might be logical is that the affected requested allocatable variants where the objection was successful, those particular ones would be ineligible to proceed. But the primary string, since that was not subject to objection or at least not successful objection, and any unaffected requested allocatable variants, those could carry on their merry way. So just, I guess, to summarize, only the successfully objected requested allocatable variants would not be eligible to proceed or ineligible to proceed.

Then the last path is really a combination. So the presumption here is that the primary string and one or more of the requested allocatable variants, the objection is successful in that case. So this one sort of follows a logic of one where if the primary string is involved, the set as a whole cannot continue forward. So I'll pause here and see if those potential outcomes seem logical and make sense.

All right. It seems like everyone—okay. Thanks, Michael. Looks good. Is there any confusion? It seems there's at least support from Michael that this looks appropriate. Donna?

DONNA AUSTIN:

Thanks, Steve. I don't know how to raise this. In a conversation we have with the ccPDP team on Tuesday—and those of you that have been working in that PDP will understand that ccs have what they call what's being applied for must be a meaningful representation of the country name. So, it's very specific to the cc, the country code top-level domains must represent the country name in some way. One of the things that we have not discussed

is the meaning of the string that's being applied for and it doesn't mean it could be the wrong word. But when somebody applies for a string, they have an idea of what they want to use it for or what their target market is or whatever. So the string is important because it represents something to someone, and in this case, the applicant.

So one of the things that kind of strikes me with this is that we always talk about a string but we don't talk about what it represents or what it means to somebody, and it just strikes me that something like a Limited Public Interest Objection, is it an objection to the string or is it an objection to the meaning of the string? So if we think about this in an ASCII term, I think there might have been a Limited Public Interest Objection to .health or something like that in the last round. So it has a specific meaning and that somebody is concerned that whoever the applicant is won't necessarily represent the interest around health. So that was the concern.

So I guess just to flag—and maybe people don't think about this the way that I do. But I kind of think we talk about a string but we don't talk about what it means or what its purpose is or what the intent is with it. But I would think that with something like a Limited Public Interest, it has to do with what the string means. Because I don't think somebody's going to have a Limited Public Objection just to a string of characters, it has to have meaning. So I think that's the other thing that comes into these processes is that a Limited Public Interest Objection has a purpose. So it's not just about the string but the meaning of the string and why there is a concern with the applicant who is intended to use the string. So I

just wanted to put that out there to perhaps provide a little bit of color to what's going on here. And maybe people are already thinking about this, but it's just something that occurred to me. We kind of think about these strings as just a representation of just a collection of characters or something. But obviously, the string has meaning to the applicant that supplied into the objector. They obviously think that there's something about the string that is problematic for them. Sorry for that, Steve.

STEVE CHAN:

Thanks, Donna. It's helpful to think about, I guess, the context for these objections. I think to your point, something like question 18 from 2012, that would be part of the consideration of the potential objector where I think some of the things that you're talking about might get captured. With that, unless there's comments on Donna's comments and comments, back to the potential outcomes. It seems like at least agreement from Michael and Satish that these seem like the logical way to describe the outcomes. If that is the case that there seems to be agreement with this, then we'll move on to the next set of objections, which are the main focus of this session. Again, we have the background if we need it. But going immediately into the outcomes, what you'll see here is—Hadia, did you have a question before I go back into the detail here?

HADIA ELMINIAWI:

Thank you. Yes. I'm sorry for the noise because I'm at the IGF. It's about the outcome number three where you're talking about the primary string and one or more requested allocatable variants,

and then the objection prevails. So in this case, what if the objection prevails only in relation to the requested allocatable variants or one of the requested allocatable variants and not the primary? In that case, the primary would proceed, correct? I actually don't get number three.

STEVE CHAN:

Thanks, Hadia. Thanks, first of all, for joining us from IGF. And then second, thanks for the question. The presumption in path three is that the objection was successful against the primary string, and that's the distinguishing factor. So the example that you suggested is essentially what path two is where the objection against the primary string was not successful but it was only successful against the requested allocatable variants, one or more. So in that case, since the primary string was not successfully objected against, that plus any non-affected requested allocable variants would carry forward. So in case three, the distinguishing factor—and I think Satish just put it in chat—that's the deal breaker because the objection included and was successful against the primary string, the entire set gets knocked down. I see another clarification from Justine as well. Does that help, Hadia?

HADIA ELMINIAWI:

Yes. Thank you so much. This is initially what I also thought. Thank you.

STEVE CHAN:

Thank you. You're welcome. And thanks for the question. All right, so like I said, this is Option 1 and it looks exactly like the Limited Public Interest, which, like I mentioned before, is included for completeness and clarity. So this should therefore make sense because it looks exactly like the Limited Public Interest.

So now is where we get to, I think, the meat of this discussion. Where, I think, we're going to focus most of our time is on path three and path four here, which I'm aware it's not quite so apparent what should be the case. I keep using this word, but for completeness, we'll go through every path just to make sure we're setting the context right for the discussion.

So path one is going to look like what we just looked at. The objection, in this case, is Legal Rights Objections and it's only against the primary string. The logical outcome here is, again, that since the primary string controls, the entire set cannot proceed.

Path two is just like we looked at before, where again it's just requested allocatable variants where there is a successful objection. In this case, since it's only against requested allocable variants, only those affected cannot proceed. But the rest of the application, the primary string and any unaffected requested allocatable variants carry forward. So again, that should make sense because it's consistent with what we just looked at.

So three is where it gets a little more interesting in the subject for our discussion here. This is when the objection would be potentially against a non-requested allocatable variant. Actually, let me take one step back. So the Option 2 that we're looking at, what it allows for potential objections against is the non-requested

allocatable variants and blocked variants, and that is why we're looking at it here in path three and four.

Maxim, I'm not sure if you want to go now or if you want to just let me get through the explanation for three and four. Okay. Thanks.

For a non-requested allocatable variant, like I said, this is the staff assessment. It's just what we think seems to be the logical outcome. Obviously, it isn't determinative in that sense. So for a non-requested allocatable variant, what we thought would be the logical outcome is, since it's not applied for, is that in the future, in the event the applicant wanted to apply for this non-requested allocatable variant, they would be unable to and they'd be blocked from doing so. Otherwise, the application would be able to proceed since the objection is only against a non-requested allocatable variant. So that was our assessment on the staff side when we tried to think this through.

For path four, where there's the objection and it's successful, is against a blocked variant. This is where we ran into a little bit of confusion and couldn't think of a logical outcome. Obviously, in this case, the blocked variant is not applied for since it's completely ineligible for being applied for. So the only outcome that we could think of is potentially blocking the entire application, which didn't necessarily seem appropriate if we've gotten, let's say, path two and path three, right? In other words, why would the blocked variant have "more power" to knock out an entire application set? So in this case, we weren't sure exactly what the rationale is. Well, actually, the rationale, I guess, is captured in some of the previous slides, but we weren't sure what the logical outcome would be when the blocked variant is successfully

objected against since there's no way to only have an outcome against just a blocked variant since it can never be applied for in the first place.

So with that, I will stop. Of course, there's the hand from Maxim and now there's another one from Michael. Maxim, please go ahead.

MAXIM ALZOBA: Do you hear me?

STEVE CHAN: Yes, we do.

MAXIM ALZOBA: I think it's logical to say that if something is an objection against some string prevails, then in case of primary or string cannot be allocated, in case of those particular variants cannot be allocated. But in case of blocked strings, they're still blocked but cannot be our cases. If that party will want those, they should become an applicant. So I'm not sure if blocking blocked variants does any good because, anyway, they cannot be allocated. And if that party wants that, they need to be applicant for that. Thanks.

STEVE CHAN: Thanks, Maxim. Michael, please go ahead.

MICHAEL BAULAND: Thanks. I think the only logical consequence if we want to allow objection against blocked variants is to have in all five cases the outcome that the application is ineligible to proceed, because anything else would cause illogical consequences. So if we want to have the possibility to file objections against blocked variants, then file one to five cases, the outcome must be application is ineligible to proceed. Thanks.

STEVE CHAN: Thanks, Michael. That's precisely why on the staff side, we had a little bit of struggle to figure out what the outcome would be that would be "logical". Donna, please go ahead.

DONNA AUSTIN: Thanks, Steve. Just picking up on something Michael said—and I guess this goes back to a point that I made earlier—with three, four, and five, does it make sense to allow Legal Rights Objections on non-requested allocatable variants or the blocked variants of the primary string? It seems to me that maybe this is something that we make explicit and say that Legal Rights Objections on non-requested allocatable variants and blocked variants shouldn't be allowed. It's probably another way to say that because the consequence is nothing. So I just wonder whether that's something that we want to spell out or just remain silent and say that the consequence is nothing. But I think, just to keep it clean, it might be best if we just know that we recommend that Legal Rights Objections cannot be filed against non-requested allocatable variants and blocked variants, or we just say that Legal

Rights Objections can only be filed against the applied-for string.
Thanks.

STEVE CHAN:

Thanks, Donna. Let's see if that's where we get to. Just quickly, there's a staff observation on three. So that's the non-requested allocatable variant. Obviously, this means that the variant is not requested and the outcome is presumably they just can't apply for in the future. So from our logic-oriented brains, we're trying to think through why this would be necessary in this. What we mean by that is if the applicant is going to apply for this in the future, would it potentially be a more appropriate time to object to it once it's actually applied for and we all know that it's going to be applied for and potentially in the root? Is that a more appropriate time to allow for the objection? Considering that the outcome in our head was that's logical, it's just that they can apply for in the future? So in that sense, could things actually be just simplified and leave it at just at paths one and two, so only the things that are applied for. Sorry, I didn't mean to get in front of you, Dennis. Go ahead.

DENNIS TAN:

No, that's okay, Steve. I want to come through a different perspective here and its intention. The applicant intends to apply for what we're calling the primary TLD or primary string and due to this Label Generation Ruleset is the primary string or the applied-for string is attached to a number of labels, we are calling blocked and allocatable variant labels. These might not be the intention of the applicant. Here, what we're saying is that those labels attached to the primary string, especially the blocked variants,

have a very important consequence to the primary application in case somebody objects to it. The applicants never knew about it. It's a blocked variant, right? Its path is to prohibit the delegation of that label. So I'm wondering if we are to way in the extreme conservatism here, allow an objection of a label that is not being worthy of being delegated. That will have real consequences to the primary string, to the applicant that has intention to operate the primary label and has nothing to do, do not know all these Generation Ruleset and how these labels came to be, but somehow they have real consequences to it. So I'm trying to balance here in my mind, how would that be possible that a blocked variant then raised to the blocked path of the application of a well-formed label, and how there is an applicant with intention to put the money and resources and to operate it. Some thoughts there that I just wanted to share with you. Thank you.

STEVE CHAN: Thank you very much, Dennis. Michael, please.

MICHAEL BAULAND: Thanks. I'm thinking of whether there could be a use case where we want to allow objection against blocked variants. One potential use case that comes to my mind, I don't know whether it's a sensible one, but is that there's a legal rights holder, some brand or whatever, that at the current round does not want to apply for their label for whatever reason, but they would like to keep the option to apply for it and get their label. Their label is so similar or same to one of the blocked variants, not the same, obviously, because then it would be a variant relationship. Maybe it's actually

the same, why not. They'd have a trademark on one of the blocked variants. The only way that can ensure that at a later point they can get their brand would be to object now. But I don't know whether that's reason enough to allow objection against blocked variants because, after all, if you're not in this round, it's tough luck. There are so many cases where if you were in a later round, you won't be able to get your label because someone already got one that prohibits you to get it. Thanks.

DONNA AUSTIN:

Thanks, Michael. I tend to agree, it's tough luck. As Justine says, first come, first served. What you're suggesting there is I think it would be an objection. It's not really based in good faith, I mean, if they want to apply for the string. The other more technical question I have is that if it's a blocked variant, does that mean they could use it anyway? I don't know the answer to that question. Dennis, are you—okay.

All right. So it seems that we're in agreement that for Legal Rights Objections, you can only object to the applied-for strings and not the others. Does that make sense? I think that's where we are. Okay. All right. Let's keep moving, Steve.

STEVE CHAN:

Sure. Thanks, Donna. I think that's more or less it because we're going to see the same exact thing for Community Objections. I can quickly touch on combo and just say that it's complicated and it kind of depends on the set of strings that are included. And it's going to follow the appropriate path based on what is included in

the objections and what is found to be successful. So I don't think it really makes a whole lot sense to concentrate on path five. The simple answer is it depends.

Like I said, lastly, we haven't looked at Community Objections yet, but once we do, it's going to look astonishingly similar to what we just looked at. So Option 1, we've seen that now three times, that looks exactly the same for Community Objections. Then the Option 2 looks exactly like what we just looked at for Legal Rights Objections. So I guess the way I would phrase that is, as Donna summarizes, it seems like the group seems to be trending towards Option 1, after having seen the potential outcomes. Is there any reason why the group would not trend towards Option 1 also for Community Objections? Is there anything different in this objection process where it makes sense to also include the Option 2 elements? It doesn't seem like anyone has any thoughts in that direction.

DONNA AUSTIN:

Michael just noted in chat, Steve. In all cases, if we allow objections against blocked variants, we have to make the whole application ineligible in all steps, and we most likely don't want to do that.

STEVE CHAN:

Yes. I was looking at that. When we got to path four, that was kind of the outcome that we felt too. There's no other outcome that seems to make sense for path four, and then if we're going to allow that, it didn't make sense in our minds that the blocked

variant has the ability to knock out the entire application while paths two and three do not. So we kind of came to the same conclusion Michael did. With that, that is the end of the slides. I'm happy to pass it back to Donna.

DONNA AUSTIN:

Thanks, Steve. A bit of a shaky start as everyone's brain kicked into gear this morning. That's what happens when you take two weeks off. But I think we got to a good place. I think we can write up recommendations based on the conversation today. But we still have to have the conversation about the hybrid model and particularly in the context of the information that we got back from ICANN Org, which we haven't discussed yet. I don't know what our plan is for next week. But maybe we will get to that next week. So hopefully, folks have had an opportunity to have a look at the input that we received from ICANN Org on the work that we've done so far and particularly on the hybrid model. Yeah, I don't know. I think we'll probably come back to that next week. But we have a leadership call at the end of today. So we'll sort out what we have on the agenda for next week. Is there any other business that folks wanted to raise? Okay.

For those that couldn't make the call with the ccPDP earlier on in the week, if you have some time to listen in to that, that will be good. There was nothing controversial, but just interesting perspective from those ccs on what they're doing on string similarity. They will, at some point, do their stress testing on string similarity and it is open to any of us. They're going to let us know when they're going to do that. It's open to any of us if we wanted

to sit in on those stress testing sessions, which could be really useful.

So with that, Steve, is there anything else, or Emily, that we need to do as a reminder here? Okay. It doesn't look like it. All right, folks, we will see you again next week. Thank you.

DEVAN REED:

Thank you all for joining. Once again, this meeting is adjourned. I'll end the recording and disconnect all remaining lines. Bye, everyone.

[END OF TRANSCRIPTION]