
ICANN Transcription

IDNs EPDP

Thursday, 17 November 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, 17 November 2022 at 13:30 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. We do have apologies from Satish Babu. And joining late will be Ekue Folly and Nigel Hickson.

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

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need assistance updating your Statements of Interest, please e-mail the GNSO secretariat.

All documentation and information can be found on the IDNs EPDP wiki space. 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:

Thanks, Devan. Welcome, everybody, to today's call. Just a couple of updates before we get started. So the good news is that the GNSO Council approved our Project Change Request. There was some concerning discussion on the Council list about the timeline. But regardless of that, the Council has approved the change request. So that's good news. We don't have to worry about that for a while. But just a note that we have a task now to complete Phase 1 of this PDP by March, Ariel, so we've got a little bit of work ahead of us. I may request that perhaps, to help us get through things, we may push the calls out to two hours if we need to. So by April 2023.

Okay. The other thing that folks might have seen in their inbox to the PDP list is that ICANN Org has provided their input on some of our draft recommendations, which is terrific, we're very happy to get that. As it's new information, we won't have substantive discussion about it today. But what I would like to do is—I think Michael is on the call and I know it's very early for you, Michael—I

just want to give Michael an opportunity to provide us with a high-level overview of the thinking behind the input so that we've got a little bit of context. Then at a later time, we will have some substantive discussion on input. So, Michael, if you're available, if you can just give us the high-level overview, that'd be great.

MICHAEL KARAKASH: Sure, Donna, no problem. Thanks, everyone. As Donna mentioned, this was an endeavor, an org-wide effort that we collaborated with multiple SMEs to provide a holistic review of the input to ensure that all angles were covered and any operational impacts were noted. So to begin, I just want to explain how we drafted this input. At the top of the document, if you're looking at it, or once you do look at it, you'll see that we broke it down into three types of input for clarity and ease of understanding throughout the document. We have substantive comments, which are content-related suggestions for the review of policy-related language. Yes, perfect. Thanks. Then you'll see that we have non-substantive comments which are more terminology-related changes, seeking clarity on language and/or minor edits. Then we have assumptions. These were instances where we interpreted language in a certain way and we are seeking clarity from the EPDP team to confirm our understanding of the input.

At the top, we have general comments, and we decided to put these general comments at the top. As we noticed throughout the report there were instances that were repeated multiple times in certain areas unintentionally. I'm sure that we didn't want to keep noting throughout. So we put it at the top. And underneath each section, we noted where it's applicable in certain areas. It's not

exhaustive. So there may be other instances that it's noted, but we did put it at the top because they were more common themes we noticed. Even there, we broke the general comments down into two categories. The first one is on the feedback that we provided. So feedback on the few comments we made on the rationale and the charter questions, and the other one was on the terminology, as we mentioned earlier.

One thing we also wanted to note was that we noticed that some language kind of differed from the Subsequent Procedures final report. So we made some comments on ensuring consistency on that language. I know that it's a working draft and it was noted that the instances that we did comment on are already being addressed. So we just wanted to point that out so it's not lost in the shuffle. We did comment the majority of the feedback on the outputs. But there were some moments where we commented on the rationale and the charter questions as well to ensure that if there were operational impacts regarding that, it was jotted down.

One other section was on the String Similarity Review. Sarmad and Pitinan kindly put together a very thorough table that you'll find in the Annex at the end of the document. But there is an explanation on that, though I'm sure we'll have a session where we go deeper into this content so we can answer any questions and explain the impact of what the hybrid model might have to see if that changes anyone's ideas.

So that's a very high-level overview. I'm sure we'll once people have the chance to read it, they'll have more questions that we'll be able to answer.

DONNA AUSTIN: Thanks very much, Michael. I have one question. You may or may not be able to answer this, but from your perspective, what's probably the most important thing that we should be focusing on in terms of the feedback that you've provided?

MICHAEL KARAKASH: Sure. That's a really good question. I know if you look through the content, there was nothing drastic that we pointed out. A lot of the input we were aligned with. However, I would say—others can chime in as well—but the string similarity recommendations are the areas where I would focus on the majority of the conversations to ensure that we are more aligned on those.

DONNA AUSTIN: Okay. This is something you may want to take back to the group. I mean, we will obviously have a discussion to see whether we want to revise our thinking based on the input, but from an operational implementation perspective, whether there are any other possibilities that your team may have discussed as a way to overcome the string similarity challenge, maybe it's not input for now but maybe that's something that we could possibly have a conversation with your team at a later point.

MICHAEL KARAKASH: Sure, definitely. I'll take that back to our team. I'm sure Sarmad, Pitinan, Steve, and Ariel can also comment on. We did have

extensive discussions and there were a lot of ideas thrown around that would be helpful to be elaborated on in future discussions.

DONNA AUSTIN: Okay, great. Thanks, Michael. So does anyone have any questions for Michael or Sarmad? Do you have your hand up?

SARMAD HUSSAIN: Yes. I was just going to add to what Michael said based on your question. So from a string similarity perspective, we just focused more on tabulating the numbers based on the models which were discussed by the String Similarity small group, the level one, level two, level three in the hybrid. But we didn't explicitly discuss or look at any other models which could exist. But if that's something you want us to look into, we can certainly do. Thank you.

DONNA AUSTIN: Thanks, Sarmad. I think it's probably something that, first of all, as a team we'll come back and discuss the input and then see what we want to do as next steps. But perhaps it's just to maybe put you on notice that maybe that's something that we may come back and request if we can't find a reasonable path forward or an agreed path forward. Okay. I think I don't see any hands. So I think we'll go ahead and move on to the rest of today's meeting. So thanks, Michael, and please pass on our thanks to the team.

Okay. So the next topic that we wanted to talk about today, we wanted to come back to the discussion about the delegation of the variant gTLD versus the primary string. So some of you may recall

that we had a discussion I think that started in KL about the possibility of delegating the variant string ahead of the primary string. Ariel, I don't know if you have a deck to go through on this, but I just want to give a bit of a high-level overview about what I'd like folks to think about.

So my understanding is that from a technical perspective, it's possible to delegate the variant string ahead of the primary string. But what I'd like to discuss a little bit more today is the understanding of this group of what it is we're doing in terms of variants. What I mean by that is my understanding when I think about variants and I guess when I joined this PDP is that an applicant would apply for maybe two or three strings. As we've come to identify that there would be a primary string or a source string. And it's a source string because that's the calculation that's used to develop the allocatable variants and the blocked variants. So the applicant would apply for a primary string and maybe two or three variants that are important to delegate simultaneously so that the language community is not disadvantaged because of differences in the language that somebody is speaking. So I think we've heard from Joseph to the Chinese community, the fact that they haven't had variants with the Chinese IDN gTLDs that have been delegated is a disadvantage to the community. So they need those variants to have the better user experience. But where our conversation seems to have gone is that maybe that assumption is incorrect, that it is possible that an applicant might want to delegate the TLDs in a sequence so it would do maybe the primary first and get that set up, and then delegate the other variants at a time to be determined.

So what I'd rather then, let's have a conversation about whether it's possible or not to delegate the variant ahead of a primary, which I understand is technically possible, from a policy perspective, is that really what we want to do here? What are our assumptions when we talk about a variant? Is it acceptable and reasonable that a primary IDN gTLD and its variants are not delegated at the same time? So does that need to be a requirement we build into the policy or not? Or does it need that flexibility that the primary and the variants are delegated in a sequential manner that will help the registry operator get the TLD set up and running? So that's kind of the conversation I'd like to have today if we can. So it's more of we need to set the policy on what's acceptable. And based on my assumptions, I would have thought that the delegation should happen as a set, but my assumptions may be incorrect. So that's the conversation I'd like to have today.

So, Ariel, I'll just hand it back to you. I'm actually not sure what slides you've got to go through today. So I'll hand it back to you to get through the slides, and then we'll see where the conversation goes. Thanks.

ARIEL LIANG:

Thanks, Donna. I like how Donna framed the discussion. But I do have some additional thoughts about how to analyze this question. So I think one of the sub-questions was not included on this slide here but I can mention that. But I just wanted to take a quick step back and talk about why we're discussing this question in the context of charter question B4. So B4 asks, "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 the allocatable variant TLD labels?” Actually, this question wasn’t drafted in a very clear manner because activating variant label isn’t really specifically related to application process. That’s post application, I think. But the question asks about timing and sequence for activating allocatable variant TLD labels. So that’s why we have the discussion about the sequence and the order about delegation in the context of B4. So that’s why it’s related and within the scope of this charter question.

So when I was trying to understand what we’re asking, the way I analyze it, the question has two parts. The first part is what Donna mentioned. It’s should a variant gTLD be allowed for delegation prior to delegation of the primary string? So that’s the first sub-question that this group probably want to tackle. Then the second sub-question is should the primary string and allocatable variant labels that pass evaluation be delegated within the timeframe as affirmed by SubPro recommendations? So I will provide more context about the second sub-question for our discussion. I think the third sub-question—and I didn’t include here and probably missed—is that should the variant TLD and the primary string be delegated at the same time? Maybe that’s something that needs to be included, just to be clear. Even though it’s related to question one but it’s probably worth discussing so we gather a clear answer to that. I think I missed including that. But in Donna’s framing, she kind of mentioned that.

When we look at the first question, should a variant gTLD be allowed for delegation prior to delegation of primary string? What Donna just said is that technically it is possible because there’s no

known technical concern regarding the sequence of delegating variant and primary because, in essence, all these labels are individual gTLD strings. So, which one gets delegated first shouldn't be a problem in terms of causing security or stability issues. But I think the question at hand was to analyze this, what will be a compelling reason to allow that, and then we really need to think of some useful use cases to justify allowing that to happen.

I just want to quickly refresh everybody on the example that Michael provided that I think could be one of the justifications why variant gTLD should be allowed to be delegated first. So, the example basically holding on the fact that the disposition value of the variant may change based on what the primary string is. Because some of the labels, they don't have asymmetrical relationship in terms of disposition value. So one label can be the variant of another label, but if you do it one way, it's allocatable. But if you could do it another way, it's blocked. So the example here is the double S and the S in the, I think, Latin script but it's really German. They have this asymmetrical relationship in terms of disposition value. So if you look at the slide here, if the .strasse, it's the street with the double S, is the primary label, then its variant label, the actual street spelling in German, you notice this kind of IDN Latin character, that one is blocked. So the disposition goes like this. But if you're using the .straße in the German language as the primary label, its variant label, the .strasse with the two S, is allocatable. So if you look at the disposition value, it's asymmetrical, it's not the same. So an applicant may wish to apply for the .straße, the German label, as the primary label, and then also apply the .strasse, the double S, as its allocatable variant.

That's a possible scenario. Then if you think it a little bit more, the applicant could apply for the .strasse, the double S, as the primary label. But as a consequence of that, the .straße in German, cannot be applied because it is blocked. That's how the RZ-LGR rule dictates this. So that's the possibility it can apply.

Once the evaluation for the application has passed, and then we presume that both labels pass evaluation, then also a possible scenario that the applicant wants to activate the .strasse, the double S, because it's probably easier to cater to the international market and then it won't have universal acceptance-related issues and because it's an ASCII string. So it's probably easier to use this and make sure it's accessible by users around the world. But then maybe later the applicant decides to activate the .straße, which is the German word for that, to the time when the applicant believes the condition for launching an IDN gTLD string is appropriate. That probably depends on universal acceptance and all these conditions to allow this IDN string to be accessible by users around the world.

So that's one use case that Michael provided us. I think he actually even provided us another use case involving Turkish string in his e-mail back in September, but the logic is pretty much similar to this one. We want to understand how widespread this kind of asymmetrical relationship exists in different scripts. We track with Sarmad that question and he mentioned to us that some others scripts like Arabic, Greek, and Myanmar, they also have such asymmetrical issues in terms of disposition value. For Latin script, there are only two characters that have these issues. So it's double S to the German S, and then there's also the I to the

dotless I, it's a Turkish language. So there are two cases for Latin script that have this asymmetrical relationship. But for Arabic, Greek, and Myanmar, there are many more, at least more than five, what Sarmad relayed to us. So, potentially, applications that involve these characters could face issues like this, and it may impact the applicant's planning in terms of which one to activate first.

So that's one category of use case that we think of or Michael thinks of at this moment, and we just want to discuss a little bit more with the group. Can you think of other use cases that would make it very compelling for a variant gTLD be delegated prior to the primary? Or is this the only particular scenario that this could happen? Then based on this discussion, we probably will have a more informed understanding and see how we answer the sub-question and develop any relevant recommendations.

So yeah, so that's all of my slides for this question one. We also have a question two. But, Donna, maybe we want to stop here for a moment and see whether there's any comment and input from the group?

DONNA AUSTIN:

Thanks, Ariel. So I really want to understand how people think about variants and what your assumptions are when you think about an applicant applies for a primary IDN gTLD and two or three variants, what's your thinking about whether the intent is that all of the TLDs need to be delegated in close timing to one another, or whether it can be done over a period of time. You might recall that on a previous call, we still had some discussion

about whether the primary or variant could be delegated first, but whatever string is delegated first, it has to be done within 12 months of contracting. Then there was an open question of the variants and how much allowable time we would have for delegating the remaining applied-for variants. So interested to understand from folks what are your assumptions when you think about IDN gTLDs and their variants? We talk about them as a set. Is the delegation supposed to happen as a set so it happens pretty close together? Or is it reasonable to think that you could delegate one and then leave it for 12 months before you delegated the other, the remaining variants? So Dennis and then Michael.

DENNIS TAN:

Thank you, Donna. This is Dennis Tan, Registry Stakeholder Group. I agree with everything that has been said here, this behavior of how variant relationships work and the disposition values, the asymmetrical relationship on whether blocked or allocatable variant, that is all true. To the extent that it does not only apply to this case that we're looking at here but also in other scripts as well.

I want to provide a perspective here and potentially a devil's advocate kind of perspective. I want us to step back a little bit from this use case and think about—I think it gives what Donna just said about registry operator applying to a set of variant labels and what the expectation of these registry operators or the rationale of applying for a set and if it's not. So at high level—and I'm potentially oversimplifying the whole process here but I want to, at least in my mind, frame this conversation—there are four steps we

hear, right? So first one is the application for a variant set. The second step is the evaluation process, all string similarity, DNS stability, objections, you name it, all the evaluation. If the variant set application is successful then it goes to the execution of the RA and the expectation with delegation. Ultimately, the registry operators sunrise the labels in the way that they intended to do and with all the variant relationships and whatnot.

So here we're asking the question whether a label in the set, we understand what the primary is, and the question is whether we can delegate in a different order. The primary does not lead into the delegation but maybe there's a different order. But here that question is not trivial because you have an execution of the Registry Agreement, right now the baseline is that you'll have to delegate within 12 months because that takes in all the obligations within the Registry Agreement that the registry operators sign, reporting and complying with all the requirements. If the registry operator is allowed to delay the delegation, then someone has to carry the burden to manage that stage or status of these different labels, and say one is delegated, others pending delegation and whatnot.

I want to offer a different perspective and move the goalpost, if you will, instead of delayed delegation—and I'm again oversimplifying—but the entity that manages up to delegation would be ICANN Organization. They will need to manage the contracts and whatnot. But sunrise, there is no requirement for sunrise. Sunrising a TLD, it's up to the registry operator. There is no hard date for a registry operator to sunrise a TLD. So in that way, they can manage the sequencing of how those TLDs go into

the root zone while complying with all the obligations, reporting and payments, and whatnot for those variant set.

So I think as we collectively consider this question, I think it's not so much on the technical side because, yes, these are independent entries into the root zone. So you delegate one to the root zone, it doesn't matter what order they are. There is no impact in there. But it's more so in the burden of managing the different states of the labels in the set. Should it be potentially ICANN, the managers? Or is it the registry operator, if they wish to do that kind of sequencing, should they be the ones that carry the burden and launch the TLDs in the way they see fit? I will leave it there. Thank you.

DONNA AUSTIN:

Dennis, just for everybody's benefit, could you explain a little bit about what sunrise is? Because I think what you're saying is that once a TLD is delegated, it has to go through a sunrise process but there's no time specific for when the TLD needs to launch. But I might have that wrong ... So can you—I appreciate not everyone has the same knowledge level here—just explain what you mean by sunrise and whether what you're saying is there's no timing. Once you've been delegated, there's no timing to sunrise. Define timing to sunrise. Thanks.

DENNIS TAN:

Absolutely, Donna. Thank you. So sunrise is the process by which you start offering the registrations in the TLD, basically. This is based on requirements. So sunrise starts based on the previous

round. I suppose that sequence is going to carry over the next round, which sunrise starts with a trademark holder. There's a whole system set up in order to enable that kind of registration and validation of trademarks and whatnot. By going back to the sunrise definition, sunrise is the period in which the TLD starts accepting registrations. And yes, those are we're familiar with, there are qualifying launches and other programs that allow previous to sunrise too but in a very limited way. Sunrise is basically opening up the TLD for registration, and that's controlled by the registry operator. So once we've delegated, the TLD sets a date, which is again there is requiring as to a date, but once the registry operator decides to do the sunrise, there are certain obligations that need to meet their sunrise plans, which will include the registration policies, dates, periods, and what have you. After that sunrise happens, there's sequencing of other registration periods that lead up to what it's normally called the general availability. But hopefully that answers the question, Donna.

DONNA AUSTIN: Thanks, Dennis. It's helpful context. So, Michael and Maxim, thank you for being so patient. Michael, go ahead.

MICHAEL BAULAND: Thanks. I agree with Dennis that it might be a solution to say, well, if you apply for several variant labels, then you have to activate them at the same time or in a period of time. If you want to cater for a use case, which is put on the slide here where you don't want to use one of the labels, you could just wait with the sunrise.

I'm just wondering what fees that would mean for the registry operator. Because right now, I think for each TLD you have to pay 25,000 USD to ICANN per year. So if you have a variant label or maybe two variant labels, which you are not using for a year or two or three years, you probably still have to pay for that. So that might be a reason why a registry would say, "No, I don't want to use it right now. So why do I have to already pay for it in a regular basis?"

Second point, which is related to this but maybe not too closely related, the question here is whether it's possible that a variant string can exist while the main string does not exist in the DNS or whatever. If we say that the main string always has to exist together with a variant then this would mean that you won't be able to delete/remove one of those TLDs, the sunset or whatever. I think we didn't get really to talk about the process. But this is, I think, related to whether you will be able to sunset the main label and keep the variant label. But maybe it's not the right time to talk about this right now. Thanks.

DONNA AUSTIN: Thanks, Michael. Maxim?

MAXIM ALZOBA: From one hand, all variants, in case of simultaneous sunrises, that they will have kind of similar rules that they will need to have because either way it's going to be kind of disaster. But it's up to the registry. And if the TLD is deployed in IANA, registry is starting the payments of \$25,000 per year for each of TLDs they have. So

from one hand, the simultaneous sunrise is going to be benefit for the end users and trademark holders who will have similar or at least simultaneous launch of TLDs in the variant set. On the other hand, it would force the registry owners to pay earlier than they want. Another thing is the current method of deployment to any TLD has to be deployed in IANA in 12 months after the execution of the contract. I think we need to check which idea is going to play. I mean, if the contract is single for all variants, it would mean that all variants have to be launched in 12 months. If there are separate contracts, there might be some discrepancy in launch dates. Thanks.

DONNA AUSTIN:

Thanks, Maxim. So I think what we're identifying here are some interesting implications on process either before or after delegation. Michael, I want to come back to something that you said and maybe this just goes to what I'm having a little bit of trouble understanding. Why would you apply for a variant label if you never intended to use it? What would be the purpose of doing that? Michael?

MICHAEL BAULAND:

I don't think you would apply for a label that you never intend to use because that would make no sense you pay fees, possibly more than just paying for a single label. The example here is that you intend to use the .straße with the sharp S at some point, but you don't want to use it right away, because you think that at the moment, it's not yet useful because IDN's universal acceptance is all not yet very well implemented. There are so many problems so

you rather say you want to wait until universal acceptance is more widespread that this TLD won't cause problems for the people using it. So just start with the ASCII one because that makes no problems. At the point where universal acceptance is widespread enough to say, "Okay, now I will also use the IDN one," and you don't know when this will be. It might be in half a year or it might be in five years, but you don't want to rely on a next round, so to say, that once you ascertain that the universal acceptance is widespread enough, you want to activate it right away and not wait for five years or how long it will take until the next possibility is to apply for the TLD. In this case, you wouldn't even be able to apply for it if you started with the one just having the ASCII version. Thanks.

DONNA AUSTIN:

Can I just ask a follow-up question? So you delegate the ASCII one first. And when you think that it's a good time to delegate the IDN label, what's the expectation for the registry operator that they would—this is what I'm having a little bit of trouble wrapping my head around. Those two TLDs, is the expectation that they resolve to—I don't even know what it means by resolve because you've got two separate TLDs. So if somebody goes to .straße and somebody goes to the IDN version of that, where do they end up? Do they end up with the same content or are they considered two completely separate TLDs?

MICHAEL BAULAND:

I think both answers. No, we have no influence on what the actual content will be so they might come to the same content or different

content, but they are certainly not two completely separate TLDs. The consequence would be that everybody who has a domain name under the ASCII version, only that exact entity would also be able to register the same label under the IDN version due to the same entity principle. What that entity then does with that domain name, whether they put up the same content or whether they have different content, that's up to them. I think this is not something we will regulate at all, though we should regulate. Thanks.

DONNA AUSTIN: Okay. Thanks, Michael. Dennis?

DENNIS TAN: Thank you, Donna. I don't disagree with you, Michael. I just want to offer a different perspective to that use case. Yeah, it's going to be up to the registry operator deciding how they want to sunrise each of the labels in the set, depending on their business needs and models and what have you. But right now—and I cannot imagine what this future looks like, what business model we'll come up with in subsequent launches, but it sounds to me much more complex and difficult to see the launches of variant TLDs and then manage that complexity in a backward fashion, I think it sounds more straightforward and easier to manage for the operator to launch all the TLDs at the same time and applying the restrictions and obligations on the second level domain names from the start and not retrofitting registrations when you start with the one TLD and then you launch the next one. Remember, these are TLD variants. So they will have to have some kind of

harmonization in terms of the variant relationships that are not in the same entity rule at the second level. Today, I cannot imagine a use case in which you would want to manage that complexity instead of just launching out the one.

But again, I don't have a crystal ball here to anticipate what might happen. I agree with you that in terms of application, I think is an application strategy, knowing this particularity of the RZ-LGR that the applicant might be compelled to apply for the two labels even though one is less ideal than the other one, and then carry the cost of managing those relationship. I think we have several items here to really deal with. I don't think we're clear enough into what we're trying to solve for here. Again, there are not technical issues here. It's more about administration managing the complexity and, as Michael noted, costs, which we have not yet discussed and that might play a role into how we structure these processes and obligations onto a registry operator. Thank you.

DONNA AUSTIN:

Thanks, Dennis. Michael, before I go to you—I know Joseph is on the call but he said he may be having some technical difficulties—but I know Joseph has said before that for those Chinese IDN gTLDs that were part of the 2012 round they're disadvantaged because they don't have the variant. So I wonder, Joseph, if you're in a position just to explain to us a little bit about if those IDN gTLD registry operators are able to get their variant in the next round, how's that going to operate? Maybe, Edmon, you have some thoughts on that. So I'd be interested to hear. Sorry. Ariel is telling me it was Jerry, so I apologize, Jerry. But if we

could get a different perspective, that might be helpful. So, Michael, go ahead.

MICHAEL BAULAND: Thanks. I just quickly want to respond to Dennis's comments. You said we maybe want to avoid the complexity of activating a variant at some later point in time because then you have to take care of all the policies and stuff like that to make sure that the same entity principle holds. But this is something that we will have to deal with anyway because every TLD operator will be able to apply for one of the variant TLD at some of the later rounds, and then the same complexity occurs that they have to deal with the fact that they activate a variant at some later point in time. Thanks.

DONNA AUSTIN: Thanks, Michael. Sorry, I'm not keeping up with the chat very well. Edmon, your hand is up. Go ahead, please.

EDMON CHUNG: Thank you, Donna. Edmon here and speaking at personal capacity. I am not sure. Because you asked the question in terms of how it'll work for earlier round IDN gTLDs, especially Chinese TLDs. I think the issue there is that currently without the IDN variant TLD, there are users who would not be able to access the particular domains, and that's the problem. For a lot of the Chinese TLDs, that's the issue that needs to be resolved. So I'm not so sure what you were trying to ask. The issue right now is that certain users would look at a domain and they type it and they won't be able to get to, where they thought they were going to go

there. IDN variant TLDs would help them be able to do that. How the registries deal with it? Yeah, probably different registries would deal with it differently. But if the registries deal with it appropriately, then that would happen. If the registries don't deal with it appropriately, then it might still be a problem. So therein lies the test when ICANN evaluates how a registry deals with IDN variant TLDs, whether the policies and operational approach is correct, maybe that would make a difference. But ultimately, the question that I think, Donna, you asked is highly dependent on how the implementation happens, actually. But the variant TLD policy allows the implementation to actually happen in a way that end users expected to probably happen, but in a way, as Dennis just mentioned, it doesn't necessarily guarantee that. But this allows the registrant and the registry to actually make that happen. Right now, registries and registrants cannot make that happen. So, hopefully that's useful. That, I think, is the issue that we want to solve.

DONNA AUSTIN:

Sorry if I'm digging down the wrong holes here. I guess I'm testing my assumptions here and I'm trying to understand why do these things matter? So, Edmon, you mentioned that the registry had to operate the TLD in the appropriate way. But what does "appropriate" mean? Because I think this goes to—Sarmad and even the input that we received from Org, we don't have the book for how variant is supposed to behave or what the expectation is for the registry operators. I mean, we're talking about whether delegation has to happen simultaneously or whether it can be separated by 12 months or whatever the period might be. So,

what do we mean by appropriate? That's why I'm trying to understand from people what are your assumptions when you talk about variants and how they're supposed to operate? Maybe that will help us get to an answer. Sorry, Edmon.

EDMON CHUNG:

Sorry. Maybe it's a bit too cryptic. The essence of it, I think, is that the policies allow an approach that the registry and the registrant and the registrar allows the experience to match the end user anticipation. But just because the policy is in place, it cannot guarantee that to be the case. The policy put in place is not intended to guarantee that implementation. It's just to allow that implementation. I guess responsible registries, registrars, and registrants will then utilize the variant policy to actually make it happen. So, to say that, oh, so we allow the delegation of the variant TLD and the variant second level domain and all that does not in itself guarantee the experience. However, it does allow the environment and it allows the possibility for allowing the end user experience to actually happen. The registrant might do something stupid—sorry for the word—the registrar might do something crazy to break that experience, which is something that the policy at ICANN cannot guarantee. But at least the policy would allow people who are sensible to actually put the technology and policy aspects to work and make the experience positive for end users.

I hope this makes sense. The thing is, we cannot guarantee down the path right. I mean, even in third level, fourth level, fifth level domain, we cannot control what happens there. But at most at the root and ICANN can support, we enable a way that the variants then can allow for registries, registrars, and registrants to do the

right thing but we cannot guarantee that. So that I think is an important difference. So when you ask the question whether this could absolutely guarantee, the answer is always no. But when you ask, does this help? The answer is always yes.

DONNA AUSTIN:

Thank you, Edmon. I don't know whether that was helpful for anybody else, but it certainly was for me. I think the important thing that I picked up there was what Edmon has said is that I think we have a language somewhere about ensuring a consistent user experience or something like that. I think what Edmond is saying was, we can't guarantee that, all we can do is enable it. We're enabling it by allowing for variants. But the way in which the registry operator implements and the registrant decides to use those variant combinations is something that can't really be controlled. All we can do is provide the policy that enables that. But it's very difficult for us to guarantee and experience down the road and how it works. I, for one, have found that really helpful. Maxim, and then Justine.

MAXIM ALZOBA:

Actually, I think we shouldn't speak too much about the end user experience where we merely control the IP addresses which will be seen in DNS in the end, because there are not many obligations of a registrant for regulation of content beyond not doing some things like related DNS abuse or other violations of law or similar things. So if the registrant creates a website on one language and you just make badly translated version of the same website for the variant of that language, we cannot be responsible

for that. So I think we shouldn't speak too much about the experience of the end user because there are way too many things between us and end user, including parties who are totally not relevant to our ecosystem like mobile providers, who can actually replace what the end user see under the particular DNS names, and we cannot do anything about it. So I think we should speak about creating the possibility of making better experience, not to guarantee something. Thanks.

DONNA AUSTIN: Thanks, Maxim. I think that's a good price of a better experience. Justine?

JUSTINE CHEW: Thanks, Donna. I just wanted to perhaps clarify my own understanding as well as other people's understanding. There is a difference between delegation and use. I think these two terms have been mentioned a few times and by various people. From my understanding, delegation just means introduce to the root. So the thing is, if once an applicant gets the TLD and the variants, then we could have a baseline position where once that happens, then the set that has been obtained gets delegated into the root, in which case, the portion of the fees that is tied to delegation will be activated. As to when the registry actually chooses to launch the registrations in second level registrations or sunrise or whatever, tied to any of the TLDs that have been delegated, that's up to the registry operators. We shouldn't need to go into managing that or even regulating that or whatnot.

I think our remit and our concern should be limited to just delegation. And the exception to that would be if there is any reason the registry wants to delay the delegation of the set or any part of the set, then they will need to submit an application for an extension of time. And then ICANN Org can just look at the justification and see whether it is reasonable or not. So, I don't know why we're kind of looking at beyond delegation, really. I personally don't see the need for that. Thank you.

DONNA AUSTIN:

Thanks, Justine. I agree that probably our work stops at delegation, but I think it was helpful for Dennis to introduce that next step that goes to launch, just to raise awareness for us that there are other steps moving forward. So, I think the question for us now is—so let's go to the question. So should a variant gTLD be allowed for delegation prior to delegation of the primary string? So my sense is that—I'm going to throw this out there and say that we don't care—the order in which the strings are delegated doesn't really matter, but we do assume and the policy will say that there is an expectation that the primary and the variants will be delegated within a specified period of time, and we haven't got to that specified period of time. Does that seem to sit with people? Okay. So I think what we need to focus on now is that maybe we think about this—so there is currently a requirement that a TLD be contracted within 12 months. Can someone remind me? Ariel, go ahead.

ARIEL LIANG: Thanks, Donna. Actually, I have prepared some slides. I understand when we talk about question one, it's inevitable to talk about the timeline or timeframe requirements. So we're already kind of bleeding to the question two, which is fine. But maybe I can just provide a quick refresher on the background and the facts and the information we're trying to gather to help us have an informed discussion. If it's okay with you, I can go through this slide quickly.

DONNA AUSTIN: Yes. Thanks, Ariel.

ARIEL LIANG: No problem. The question two is about whether the primary string and allocatable variant should be delegated within the timeframe as affirmed by SubPro recommendation. So that's the second question. Just a reminder, I know several members already mentioned the 12-month period, but I just want to provide some additional information to paint the full picture. SubPro has two recommendations, I think, to affirm the requirement that a TLD string must be in use within fixed timeframes which are set forth in the 2012 AGB and also the base agreement.

There are two timeframes I want to highlight. The first one is a successful applicant has nine months to enter into a Registry Agreement, following the notification that its application has successfully completed the evaluation. So nine months to enter the Registry Agreement. In addition to that, the applicant may request an extension for up to an additional nine months for

entering the Registry Agreement. But that's setting the condition that the applicant is doing everything it can and work diligently and in good faith towards completing the steps necessary for entering the Registry Agreement. Then it's basically ICANN needs to make the decision or judgment whether it's reasonably satisfying in terms of what the applicant is doing. Then if ICANN agrees the applicant is everything it can in good faith, then that nine months extension can be granted to the applicant. That's the first timeframe.

Then the second timeframe is regarding delegation. The requirement is that the registry operator must complete all testing procedures for delegation of the TLD within 12 months after effective date of the Registry Agreement. Just to make it clear, it's 12 months to delegate the TLD after the effective date of the Registry Agreement. Then also, the registry operator will have the opportunity to request extension up to additional 12 months for delegation. That's also setting the condition to ICANN's reasonable satisfaction, the registry operator is working diligently and in good faith towards successfully completing the steps necessary for delegation of the TLD. That's the timeframe that we know, and then it's already affirmed by SubPro. Going forward, it's still the same case.

Donna already touched on this, which is one of the important questions for the framing is applicant's intent. When someone applies for a label without the intent of using it, the label can be a primary string and can be a variant string. To say it in another word, with someone applied for a label with the intent of withholding it indefinitely for possible future delegation. Because if

you think about it, based on the source where the allocatable variant string is already without same entity, so it cannot be applied for by anybody else. So the applicant already has it in other way. But does that make sense for someone to apply for such a label that already has a claim to it without using it? That's the framing question that we try to think of.

Then the third question is about operational considerations. That's something that Michael touched on. It's in terms of once this variant is delegated, would that have impact to the ongoing annual fees? Specifically, the registry level fee, the \$25,000 that Michael mentioned. From staff side, we do some kind of kind of digging or investigation and discussion with the GDS colleagues. But unfortunately, it's a little bit too early to tell in terms of the impact on registry fees, the ongoing fees, because they have to consider all the outputs from SubPro and then see how the fee is going to look like in the future factoring variants. So it's a little bit hard to say. Maybe we didn't ask the right question or maybe we didn't ask the question clearly, they also couldn't tell us whether a registry operator operating variants would pay more than the registry operator, just operator individual TLD. They said it's also too early to tell at the moment, but they did say that it's probably very likely that each delegated variant will incur additional operational costs because of IANA, Compliance, and all these operational items, I guess. But still, from fee perspective, it's hard to tell at the moment.

That's the information we're trying to gather in order to understand this second question. Whether the primary string and the variant should be delegated within the timeframe already affirmed by

SubPro or whether longer time can be granted to sets like that, include a primary and allocatable variant. So hopefully this is helpful for discussion.

DONNA AUSTIN: Thanks, Ariel. Justine?

JUSTINE CHEW: Thanks. Just on the slide, Ariel, I just want to clarify again the term “use” and the term “delegation” because it’s causing me confusion, at least. When it says, “In terms of SubPro recommendation, the string must be used within fixed timeframes,” what does in use actually mean? And then it goes on to talk about delegation. What does delegation actually mean, vis-à-vis use? Then, in point number two, applicant’s intent, “with the intent of not using it” and then it goes on to say “intent of withholding it indefinitely for possible future delegation.” So, that’s two different things because you can have something delegated but not use it, in my mind, but you can’t have withholding for possible future delegation. I think they have to be delegated. So just raising some concerns about interpretation.

DONNA AUSTIN: Ariel, did you want to respond to Justine before we go to the other?

ARIEL LIANG: Yes. I think Justine raised a really good point. The second, applicant's intent, that question wasn't very clear. So I need to think more about that. But in terms of the question about use, I think just reading the rationale from SubPro for their recommendation, I think they try to define what use means, but then ultimately, they affirmed that the existing definition of use is basically delegation into the root and meeting all other contractual commitments with respect to required content, that's the definition of use. SubPro didn't try to expand the definition of use by including other factors or other considerations, but limiting that to the delegation of the gTLD and then meeting all other contractual commitments. So that's the definition of use. I think the second point about applicant's intent, that's probably not very accurate. Then if we want to make it consistent, maybe I need to rethink how to structure this question. But I'm glad that Justine mentioned this.

JUSTINE CHEW: For our purposes, we treat use and delegation as the same thing?

ARIEL LIANG: Yeah, I believe that's—

JUSTINE CHEW: Is that what SubPro intended?

ARIEL LIANG: I think it is. But I will welcome others who are more familiar with SubPro final recommendations to chiming and confirm.

DONNA AUSTIN: Okay. Thanks. We got 10 minutes left. Dennis, and then Maxim.

DENNIS TAN: Thank you, Donna. I'll just be quick. This slide here, especially point one, it has helped me better inform my rationale here. I put something along those lines in the chat. Point one basically is our guardrails. We are not in any way, shape, or form [inaudible] or not be consistent with SubPro recommendations. But this section one tells us the Registry Agreement, the execution post milestones are triggered by the Registry Agreement. And our assumption is that the variant set is going to be applied in a single group set and going to be subject to the same Registry Agreement. I don't see how you would manage leading the delegation of different labels that are subject to the same Registry Agreement. That will be just be very complex, short of a nightmare to manage that complexity, and multiplying by the number of Registry Agreements that would want to do that. I think I'm closing in more into the—Justine suggested, they're subject to the same delegation obligations of the Registry Agreement. And if there are two, three, four, you name it, number of labels in that set in the Registry Agreement, then all need to follow the same milestones. Thank you.

DONNA AUSTIN: Thanks, Dennis. Maxim?

MAXIM ALZOBA: Actually, there was an additional use of TLD. Before the sunrise, it's just a note called qualified launch period created for geoTLDs, for example, when CT needed to launch some special name for promoting the interests of TLD, basically. Thanks.

DONNA AUSTIN: Thanks, Maxim. I think that [inaudible] process is maybe once or twice. Thanks, everybody, for the discussion today. I know we didn't get to our second topic, I don't know about the rest of you, but I found this discussion really helpful. And it's helped me better understand my assumptions, which I think were off base. I think where we are is that we don't care the sequence for delegation, but I think where we are at is the set should be delegated at the same time or within the same period of time. So if the Registry Agreement is basically saying delegation within 12 months of signing the Registry Agreement, then we mean that for the set, it's not just for one of the strings. It's for all of those that have been applied for. I see that there is provision there that the registry operator may request an extension of an additional 12 months for delegation. So at the outside, they had to use to delegate. But I think I heard everybody correctly that we think it's a set. So if you apply for three strings, then those three strings need to be delegated within that 12 months or 24-month period of time.

The thing that really is at issue, I suppose, is the fees. Whether you have three strings that you've applied for to make up the set, whether you will incur three times the \$25,000 annual fee or whether there will be some consideration lesser than that to

account for the fact that the intent is that these strings will operate as a variant set. So that's something that I know we have to discuss, that perhaps maybe we can get through the rest of our work, and then we can come back to that. But if folks have thoughts on it, then we can entertain those. But I think that's the outstanding issue that we have now is how do we apply fees.

Based on the conversation that we've had today, I think we're in pretty good shape that we can draft recommendation language on this question, notwithstanding that the charter question was a little bit complex but I think we've unpacked it now and we can develop a reasonable draft language based on the discussion we've had today. Is there anything else before we close out for today?

I guess one thing I would ask you, if folks can have a look at the input that we received from ICANN Org and if you have any clarification questions, please put those in the list so that Michael can see them, and maybe we can get some input back before we have substantive discussion. Justine's just reminded me that there's no call next week because of the U.S. Thanksgiving period but we will be going ahead the week after. I know some people have IGF responsibilities, but I'm really concerned that meeting our deadline for the Phase 1 report will be compromised if we don't continue to have regular meeting. So I don't really want to have a three-week break. Sarmad, go ahead.

SARMAD HUSSAIN:

Thank you, Donna. I just wanted to see if the working group has considered another option, which is that if it is possible to identify

a primary label, and against that primary label, apply only for the variant label but not apply for the primary label? Thank you.

DONNA AUSTIN:

Sarmad, that's a headache, I don't know that we want to open that door to. We'll discuss it with the leadership team. It's been tabled now so folks have heard it. If you have any thoughts on that, please follow up on the list and I'm sure Emily will capture that as an item on the list. As the chair, I don't think that's a door we want to open. But we can discuss at the leadership meeting later today. But my initial reaction is no, let's not do that.

Okay. Thanks, everybody. You've got two minutes back today. Last week was three minutes. So maybe we're getting a little bit better at this. Thanks, everybody. And just a reminder that Michael put in chat, we do have a call on Tuesday with the IDN ccPDP to talk about string similarity. Hadia, go ahead.

HADIA ELMINIAWI:

I lowered my hand. Thank you.

DONNA AUSTIN:

Okay. All right. Thanks, Hadia. Thanks, everybody. Good discussion today. We will hopefully see most folks on Tuesday for the ccPDP call. Thanks, everybody.

DEVAN REED:

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

[END OF TRANSCRIPTION]