
ICANN Transcription

IDNs EPDP

Thursday, 27 January 2022 at 13:00 UTC

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP call taking place on Thursday, 27 January 2022 at 13:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. If you are only on the telephone, could you please let yourselves be known now?

We have apologies from Anil Kumar Jain. All participants and members 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. Observers will remain as attendee and will have view-only access.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

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 from 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 on the public wiki space 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 and back over to our chair, Donna. Please begin.

DONNA AUSTIN:

Thanks very much, Devan. Welcome, everybody, to today's call. I see we've still got a few people coming over into the room so I don't think they'll miss anything. So what we wanted to go through today is I've mentioned previously that we were looking at whether it made sense to do some different sequencing of the chartering questions. Ariel sent a note to that list about that during the week. And I appreciate it was only about two days ago so folks may not have had a lot of time to think about it. But to the extent that folks have comments now, it would be great to hear those, particularly if there's any real concerns about the way that we've suggested reordering the questions. I think it provides a better flow and it allows us to go through the charter questions that relate to the top level, then second level, and then there's a couple of the question around the guidelines. It's one other I'd be getting. But I think the sequencing makes more sense the way that we've done it.

We did get some input from Dennis, who was leading the working group that developed the charter questions. So thanks to Dennis

for taking the time to have a look at that. I think we've largely been consistent with what Dennis has proposed in the reordering. Even if folks want another week to have a think about that, I'm happy to allow that to happen. But if others have had a chance and they can give us a green tick or a red cross mark and we can see where we go from there. Obviously, I don't want to spend too much time on this. I don't want to take away from the substance that we need to get through.

I don't see any hands. Michael is saying that the reordering sounds fine. So I think what we'll do, we'll just leave it out there for another week and I'll ask Ariel if she can just send a reminder that any comments, please provide those to the list, and absent any comments as of next week, the ordering that Ariel sent around, that's what we'll go forth with. And if we need to make adjustments on the fly, we will do that. So as we work through the questions that I think we're open to—if we're considering one question and somebody suggested maybe we need to look at another one in parallel then we always have the flexibility to do that. But I think absent any comments in the next week, we'll just move forward with what we've proposed.

Okay. So for the rest of the call, we're going to go back through a number of—we've had conversations are most of that topic A questions. And what we hope we can do today is just draw a line under those conversations so that we can develop a draft language and move forward into our next lot of questions, which will be topic B, I think. Next topic B. So with that, Ariel, I think I'm going to hand it over to you to do a recap for us.

ARIEL LIANG: Donna, can you confirm that you see the slide?

DONNA AUSTIN: Yes, I can.

ARIEL LIANG: Great. I'll jump to the recap for A6. This question is about grandfathering. So this is what staff and leadership team captured in terms of their draft recommendations, and I will just read through them. The first one Recommendation 1.4. To the extent feasible, the LGR procedure be updated to specify the limited circumstances that could result in an update to the RZ-LGR, not being able to retain full backward compatibility with existing gTLDs and their delegated and allocated variant labels, if any. So that's the first draft recommendation.

The second draft Recommendation 1.5. In the unexpected events where an update of the RZ-LGR is unable to maintain full backward compatibility for validating any existing gTLDs as well as their delegated and allocated variant labels, if any, the Generation Panel (GP) must call out the exception during a public comment period and explain the reasons for not providing such support. The GP analysis should also include identified security and stability risks. To ensure a balanced representation of the issues, the public comment process must also provide an assessment of the potential impact of not validating the existing gTLD—actually there's a typo—as well as their delegated and allocated variant labels, if any, on the gTLD registry operator, their customers and end users.

That's the second recommendation and it's highlighted here because in the next slide you will see there are several outstanding questions related to the recommendation. That's why we put a little box here just for your special attention.

The third recommendation 1.6, all existing gTLDs and their delegated and allocated variant labels, if any, affected by the aforementioned exception will be grandfathered.

So these are the three draft recommendations that we captured. In terms of the outstanding questions, there are four as identified areas—

DONNA AUSTIN: Ariel—

ARIEL LIANG: Yes?

DONNA AUSTIN: Sorry. Can we just pause on the recommendation language? I see Jeff has got his hand up. So I think we might need to just focus on the recommendation language before we get into the questions.

JEFF NEUMAN: Thanks. Thank you, Ariel, because we've always been sort of discussing this piecemeal, but now that you've read it all together, it occurred to me that we should have a recommendation where we should be recommending that anyone that's responsible for

updating the Root Zone LGR should ensure that backward compatibility is retained, right? We talk around it. Basically, it's always reactive. Like we're recommending that if it's not backward compatibility, then they need to specify why, and then there's an exception process and all that. But it seems to me there should be a duty imposed on those that are updating the LGR to do everything in their power to actually retain backward compatibility when they're updating the LGR.

DONNA AUSTIN:

So, Jeff, I think that we have had a discussion around that. I'm not opposed to making it explicit, whether it's a recommendation or whether it's something else. We've had discussion around this that that is actually part of the Root Zone LGR process now. But what we're dealing with here is in the event that there is an exception to that, because we it can't be 100% guaranteed. So I think that's what we're dealing with. So as I say, I'm not opposed to making or confirming what is in the Root Zone LGR that they try to make it 100% backward compatible, or what we're talking about here is in the event of an exception, if that makes sense. I'm not sure if that's my mic or whether that's somebody else.

JEFF NEUMAN:

Can you hear me?

DONNA AUSTIN:

Sorry? Say again.

JEFF NEUMAN: That's what you said. Is that okay?

DEVAN REED: No, Jeff. I'm sorry, but it sounds like you might be a little too close to your mic.

JEFF NEUMAN: Okay. How about that?

DEVAN REED: Too soft.

DONNA AUSTIN: Find a middle range, Jeff.

JEFF NEUMAN: How about now?

DEVAN REED: A little better. But maybe a little closer.

DONNA AUSTIN: Try again, Jeff. There is some definite feedback with your mic. Yeah, I think Edmon could be right.

DEVAN REED: Yes. If you message me, I can dial out to you.

DONNA AUSTIN: Thanks, Devan. Thanks, Jeff. Maxim and then Satish.

MAXIM ALZOBA: I have a question about the process. Effectively, as I see it, the situation where for some reason RZ-LGR is unable to retain full backward compatibility, some TLDs are going to be, I'd say, illegal. And what's the mechanics? Because formerly the current contracts with registries do not have such mechanics, and throwing them out of IANA is a major, for example, it's the only thing you can do effectively, if it's not in contract, it's going to lead to some huge issues from the legal perspective. Also, all the registrants, registrars, etc. Because in reality, if it changes, we need to understand that this particular TLD is not going to pass any kind of assessment of the backend. It will not be possible. For example, 10 years after the execution of the contract, you need to re-execute it, or maybe you're changing backend. So what's the mechanics in this case? Because effectively situation where some panel is going to terminate a TLD, it doesn't look safe from the operational perspective, I mean, the structure. Thanks.

DONNA AUSTIN: Thanks, Maxim. So my understanding of what we've done here with Recommendation 1.6—so we're identifying that the LGR procedure or the Generation Panel or Integration Panel—I get my panels mixed up—may not be able to get to backward compatibility when they're updating the Root Zone LGR for certain script. What we're recommending here is that regardless, the

gTLD and the delegated or allocated variants will be grandfathered. So that means that there isn't going to be any change to the Registry Agreement because the TLD isn't going to go away, or it isn't going to have to change the string. We're grandfathering that TLD so there will be no change. But Recommendation 1.5 is about calling out the exception, explaining why that exception has to be. And then what we're trying to do within the public comment process is provide a balance about the information. So maybe this comes back to Jeff suggesting that we need to be explicit and call things out rather than leaving things as implicit. Maxim, I know you have your hand up again. Is that to respond to what I've just said? Or can I go to Satish?

MAXIM ALZOBA: Yes.

DONNA AUSTIN: Okay. Go ahead, Maxim.

MAXIM ALZOBA: The thing is, when we're talking about a registry, which is grandfathered, it's a state where nothing changed. But at the moment where you're trying to change anything is formerly not the same registry needs to pass technical tests of the backend, etc., etc. And at this moment of time, issues will arise, not at the moment where the registry is working and nothing changed. So it's going to be triggered. What we need, in my opinion, to say that these mechanics is not a valid vehicle for termination of a TLD. Just simple words. Because without it, we will see a situation

where it's used as a secondary effect mechanism where you just don't pass operational things, not on legal side. You're facing a situation where you cannot change things. Because, for example, you have a few 10,000 registrants using some particular domain names but you're forced to do that. And it's going to be a deadlock with a huge scandal. I'm not sure it's in public interest. Thanks.

DONNA AUSTIN: Maxim, I'm not 100% sure I'm following what you're saying. But if we put something added on to Recommendation 1.6, it says what we mean by grandfathered is that the gTLD will continue to operate as it has been since it was delegated or something. Is that a level of comfort you're suggesting?

MAXIM ALZOBA: If we write this, it will not change things from the operational perspective. Because when you say that TLD is allowed to operate, how it was delegated, it will not save your TLD in situation where you're changing backends or you're going to have certification of your backend for some reason, maybe audit. It just will not pass it because your TLD is not compliant with the rules.

DONNA AUSTIN: With the Root Zone LGR. Okay. So I'm following what you're saying now. So if it has to go through—it's not an RSEP, it used to be PDT, but it's something different now—so if it has to go through that process, it's not going to meet what's in the Root Zone LGR. I get what you're saying now, so I have a think about it. And maybe

Dennis has something that can help out. But I'll go to Satish first. Satish?

SATISH BABU:

Thanks, Donna. First of all, it's useful to see the three recommendations together on one slide. It does kind of make it more easy to kind of understand. I have a clarification on 1.4. Why is it that we require the first phrase "to the extent feasible"? Because that kind of dilutes to me the purpose of this recommendation, which is to ensure that the circumstances are specifically specified. But to the extent feasible, to a certain extent dilutes it. I don't recall the exact conversation that we had when we were discussing this point but that was something that I wanted to raise. Thank you.

DONNA AUSTIN:

Thanks, Satish. This is something I struggled with a little bit when I saw this recommendation again this morning. I think the reason we had "to the extent feasible" is because of the uncertainty around whether our policy recommendations could actually have an effect on a separate procedure. So it goes a little bit to what Edmond was saying in the chat that the process is not currently under the GNSO. So I think that's why we had to the extent feasible. But I'd like to hear from others. I think Jeff has agreed with Satish, but I think we can just take out to the extent feasible and say that the LGR procedure, we can say, should be updated or must be updated to specify the limited circumstances. So interesting to hear thoughts on that. Would that satisfy your concern, Satish?

SATISH BABU: Yes. Thanks, Donna.

DONNA AUSTIN: Okay, great. Thank you. Dennis?

DENNIS TAN TANAKA: Thank you, Donna. I just wanted to add one more, I guess, item to think about here, and it's on Recommendation 1.5. I understand that we want to balance out the GP's recommendations to potentially not be 100% backward compatible, but also at the implications, the consequences of doing that from the user standpoint, right, end users. I'm using here broadly registry operators all the way to consumers. My question is, though, is this the expectation here the intent? Because the GP is an active role here and the public comment process is more passive. So I just want to get clarification is expectation that the registry operator, customers, and end users provide input to the public comment process, or is that the GP fix a primitively input from these, again, broadly, end users in their rationale motivations and take that into account to create the output that is put in front of the community for comments.

DONNA AUSTIN: Right. Dennis, actually, this is a set of questions that Ariel was about to get to and that goes to exactly your point. We could do it as implementation guidance or just rationale or something within the further drafting of the language. But it's a conversation we

want to have about how do we go about that? Because we weren't really sure of the process so we will get to that. Jeff?

JEFF NEUMAN: Thanks. Hopefully, you guys can hear me now. Is that better?

DONNA AUSTIN: Much better, Jeff. Thank you.

JEFF NEUMAN: Sorry about that. Okay. I understand all of these, and I understand what Edmon said about the LGR is not under the GNSO. But what is under the GNSO is the recommendation we have earlier which says that the LGR shall apply to the gTLDs, right? So while I understand the policies not within our jurisdiction, that doesn't mean we have to be completely passive and always allow what an outside group does to automatically impact what gTLD registries have to do? In other words, if those that are creating the LGR procedures are not going to have an affirmative duty to ensure backward compatibility, then why should the gTLD registries have an obligation to follow the LGR? You know what I'm saying? So I don't buy the argument that we have to be so passive here. I think as, Donna, you know full well, when the registry contracts have a very passive contractual provision like the registry shall implement an IETF standard within 135 days, that always causes problems because it's now the registries have to abide by something that's totally decided outside of a realm where it has any control. So I really believe that we can, to the extent it's expected, that gTLD registries follow the Root Zone LGR then those that are

responsible for the procedures for the LGR have an affirmative duty to do everything in their power to make sure that it retains backward compatibility. Otherwise, there should not be an affirmative duty for registries to follow whatever the Root Zone LGR comes up with.

I think that's just another way of saying what Maxim and others are saying, and Satish's comment about "to the extent feasible"—and I know we're resolving that—but that's another thing that kind of makes it so passive that were just saying that whatever you want to do, whoever the powers that be responsible for the Root Zone LGR, do whatever you want, it doesn't matter the impact, and then we'll have to hope that ICANN, the Organization, deems it acceptable to give an exception. So that's what I want to avoid. Thanks.

DONNA AUSTIN:

Thanks, Jeff. There is a second part to this charter question which is around—I think we've got it on the next slide—are there any processes or procedures or mechanisms that we need to look at as part of this question? I think the one that Maxim is called out about, not that I can articulate what Maxim was saying, but I understand in my head what he was getting to. I think the impact on the contract is an important one that perhaps we need to look at, or at least identify as something to deal with. And I take that this LGR procedure stands on its own and it's independent, but there hasn't been a policy discussion around variants and some other things that may impact on the procedure. So that's what we're kind of calling out here and identifying as well. So I take all

the points and hopefully we can find a way forward with this that make sense to everybody or works for everybody. Edmon?

EDMON CHUNG:

Thank you, Donna. I guess in response to Jeff, I think I agree very much with the sentiment and I think that's fine. However, I guess, I would caution—or not really caution—but I will note on the flipside as well, because we need to make sure registry operators do know that there are certain things that would be outside of control and it includes things like changes to Unicode. It may not just be a change in variant. It could be a change in the Unicode, whatever situation. So I think the reason why this is in place, or even from the GP, the IP, the whole Root Zone LGR process that addresses this issue, is because there are those potential issues. Probably very rare and most likely very rare but I think it's also on the flipside is important for the policy to make clear that the registry operators do know that there is that particular risk.

Also, I think I was hoping that Sarmad may be able to jump in as well on a little bit of some of that to give us a sense. Because I think that the Root Zone LGR process itself and the IP, GP process itself already takes part of this into consideration, as in making sure as best as possible that is backward compatible. So yeah, I just want to add that.

DONNA AUSTIN:

Thanks, Edmon. I think the limited circumstances that certainly Dennis had identified whether changes to the IDNA2008 and also Unicode. So those were the two things that Dennis called out. And

I don't know that anybody else has identified any other limited circumstances, but they were the two that I recall that have been called out during these discussions.

Sarmad, did you want to address the question that Edmon raised about the LGR procedure requirements?

SARMAD HUSSAIN:

Yes, Donna. Thank you. I just wanted to re-emphasize that this is an extremely rare, if at all possible, phenomenon, reason being that even though, as we are saying, that the change is possible, there are some obviously stability clauses or stability mechanisms, which are built into all the three layers. So, Unicode has its own stability clauses, which prevents it to make such changes extremely rare. There are also stability mechanisms with IDNA2008, which can also actually, for example, handle any changes in Unicode through some exceptional processes which are built into IDNA2008 standard. And then in the Root Zone LGR itself, there is a stability clause which basically is suggesting that the changes are normally supposed to be incremental. So, for example, if there are code points which are not supported right now, but some language community comes in and says that the language needs to be supported because that is now much more actively used over time, those code points can be added in, rather than things which are already in would be taken out. So, the changes are incremental but there are stability clauses built in. And even if GP tries to change some things, the Integration Panel mechanism—so it's a two-panel process—where the Integration Panel, which is composed of experts from Unicode and DNS, obviously also review any changes and have to approve those

changes. So the Integration Panel, of course, is very conservative and there's unlikely chance that even if a GP suggests a change like this which has an implication on an existing gTLD or ccTLD, that it will be very easily accepted by Integration Panel. So it's an extremely high bar and extremely rare scenario. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Maxim and then Jeff.

MAXIM ALZOBA: Actually, the situation where Generation Panel is set of people who have zero responsibility for the decisions they make, we need some kind of feedback. Maybe we would require that in the absence of change to the Unicode table, absolutely requiring creation of such situation where the Generation Panel actually failed to find the resolution, it's dismissed or something. So we have situation where it's proven that it was the only option. Because even situation is such that it's easier to declare something to a few TLDs for some people and they are not responsible for the decisions and were not protected. There is a strong need for the safeguard. And the dismissal of the panel is, I'd say, the most powerful thing. But the situation where we hear that some experts are unlikely to do something, they shouldn't be prohibited from instead of us relying of some unknown experts doing something. In commercial world, you do not depend on third party which has no ties to either of parties, if it doesn't wield some powers like government or things like that. Thanks.

DONNA AUSTIN:

Maxim, I don't know how long it took to develop the LGR procedure but I'm sure it took a lot of time and there was a lot of consideration and thought that went into it. So I think it might be the way you've characterized it might be—I'm not sure I agree with it, but I think we can certainly do what we can here to add additional safeguards if we don't think there are adequate ones in place. But I think Sarmad has explained that. I don't think any Integration Panel or Generation Panel goes into this on a kind of whim. I think they're going to devote the time to something like this and they will take due care. So I think let's focus on what safeguards we can put in place here with our recommendations to address the concerns that we have. Jeff, go ahead.

JEFF NEUMAN:

Thanks. As a lawyer, the most common argument, when someone is trying to negotiate a contract adverse to you, is to say, "Oh, it's not going to happen. There's so many things in place that it can never happen." And then the most common response is, "Well, if it's so rare, then why do you need it in there?" And of course, both sides are right and both sides are wrong. The point is exactly what Maxim said, which is that it doesn't matter how rare this is, it doesn't matter how today we think that the Root Zone LGR Panels are so responsible and they're very conservative and there's these drafts, there's this policy, which of course they can change, which requires that it be as conservative as possible. I don't think that that's not the point. Just like it's not the point that we think registries would probably go out of their way to comply with it to the extent they could because most registries want to stick to standards and things like that. But the point of all of this is, as

Maxim said and Donna was saying, we do need safeguards and we need to—just like we’re recommending our reactions to what an LGR does, we can make recommendations as to what we expect the Root Zone LGR to do, and if it doesn’t meet its end of the bargain by doing what we expect, then we should not have to meet our end of the bargain, which means to blindly follow what they do. So I think it’s right to talk about safeguards but I don’t think it’s right to talk about, well, the fact is it’s so rare that we should just ignore it because we’ve seen that before, and I think it’s important for us to do safeguards. Again, bottom line, if the Root Zone LGR expects the registry to follow what the Root Zone LGR says, then the registry should expect, as part of their end of the bargain, to be able to have the Root Zone LGR, those that do that, the panels, take into consideration with the registry. Thanks.

DONNA AUSTIN:

Thanks, Jeff. I think we’re all in agreement that we should ensure that what recommendations we have here will provide safeguards for existing contracted parties. I think we can do that by shoring up some of the language so we can be explicit about what we mean by grandfathering, which Recommendation 1.4 we will take out “to the extent feasible”. If folks are in agreement, we can say that the LGR procedure must be updated to specify the limited circumstances and we can in implementation guidance or something say we believe those limited circumstances are and see if that addresses all the problems. I think there’s still an issue here about impact on contracts. I take what Maxim was saying that because of processes that are involved in testing, if you change RSPs that a grandfather TLD may not meet a test that’s

associated with the LGR because it's no longer compatible. So maybe that's something we need to pick up on as well.

So I think that's where we're at. With Recommendation 5, we still have some questions which Dennis asked about. We have a couple of questions that we need to go through relating to that. But just on this question one, so the second part of the charter question hasn't been addressed, and that's to what extent should the TLD policies and procedures be updated to allow existing TLD and its variants, if any, which are not validated by the script LGR to be grandfathered?

So one of the questions we had is, is this something that can be addressed by the IRT, or is this something that the working group wants to address? I think what I'm hearing from the conversation is we do need to pick up something about the impact on Registry Agreements with the grandfathering if there's something we wanted to address in here. I'm not sure what other policies and procedures, but any views on this one? Jeff?

JEFF NEUMAN:

Sorry, it took me a second. Yeah. I don't think we should leave this to an IRT. Because IRTs are under—there's ICANN staff, there's GDS that oversees that. If we want to make sure that the safeguards are in place, we should have a policy around what the IRT does and not just leave it to an IRT because it takes away the GNSO's authority over it. Again, I still stand with the proposition that we should have a recommendation that the Root Zone LGR use its best efforts to ensure backward compatibility. It's not binding on them because they're not beholden to the GNSO. But

if they don't follow that, then there should be sort of a back out clause for registries to say, "Well, if you're not going to hold up your end of the bargain, why should we have to blindly follow it?" So I do think there needs to be a recommendation. I think I saw Michael agree as well, and Maxim. I think it's important that we, the GNSO, put our expectation in as to what we believe the Root Zone LGR needs to do and can't be changed. And then if there are principles in a contract, we need to state them here. Not the wording of what's in the contract but the fact that exceptions need to be granted, and that there needs to be a process and those kinds of things need to be in the policy, not in the implementation. Thanks.

DONNA AUSTIN:

Thanks, Jeff. So I think we can add a recommendation which confirms the existing LGR procedure that I'm sure Sarmad can pull out the language that the LGR does try to ensure backward compatibility so we can reaffirm that, I suppose, as a recommendation. And to the second point about the contract principles, we may need a small team to work on that. Edmon, go ahead.

EDMON CHUNG:

Thank you, Donna. Yeah, I don't disagree with what Jeff says. I think that's a good idea. The details, as you said, maybe a different group or a small team need to look at this specific language there. I think just outright rejecting if it's simply not 100% backward compatible may be a little bit too loose. We can probably draw some boundaries around the rejection side as well.

DONNA AUSTIN: Thanks, Edmon. Okay. Maxim is saying compatibility is either full or absent. I have a question. In my mind, the fact that we have a policy recommendation that says that where there is an exception, the gTLD will be grandfathered or stopped. So that means it continues on its merry way as it has done since it was delegated in standard operation. Notwithstanding if you want a change a RSP or whatever, then that's a separate process you need to go to. I guess I'm struggling a little bit to follow some of the concerns here because I thought that by grandfathering that we would overcome some of the concerns, but I'm still not sure that we're there. Maxim?

MAXIM ALZOBA: Actually, we had example of these mechanics, where it's a bit differently from RZ-LGR. But the mechanics cost by assessment of the registries, it happened when one of the changes happened to requirements of how IDN tables should be presented to IANA, and it costs deadlocks, where the assessment team said, "No, you're not compatible." So we faced similar effect and we need to ensure we prevent it in the future. Because nothing prevents ICANN from—I mean, in the contracts of registries, any change of any subcontractor could lead to assessment of your backend. Not necessarily are going to change the backend. For example, you're changing ISP or maybe provider of electricity, the contractual language allows you to be forced to go through this process so it's not that simple. It's either exceptional status should be given to some table or script so there is no deadlock in such situation. That's what I mean. So we need to ensure that this situation

doesn't trigger massive deadlocks or scandals. Because I remind you that from one hand, it's a panel of volunteers devoting their time to change some tables and scripts. And on the other hand, we have end users, we have contractual relations with ICANN, because I remind you that in situation where ICANN faces a huge scandal, in the end, it's just some unpleasant resolution. So we need to avoid it. If panel fails to find the resolution, maybe we need to work. Thanks.

DONNA AUSTIN:

Thanks, Maxim. So I think in 1.5, what we've tried to do with 1.5 is bring in that balance so that while the LGR is recommending an exception, we want to balance that with the information a potential impact on the existing gTLD. So that's what we're talking about with the public comment period and the questions that we have below here about who provides that additional information. And to Dennis's question about how we're going to know what does it mean with the public comment period. I think that's where we're trying to capture that.

I think with the term grandfathering, I think it might be many different things to different people. I think to be absolutely sure that we're on the same page, it might be helpful to explain what we mean by grandfathered. Because in my mind, what that means is there will be no change to the operation with the gTLD, it just continues as it was. So there's no new process because of the exception. It just continues as it is. But if folks seem to think that it's something different, then we need to get to the bottom of that and agree on what we mean by grandfathered. Jeff and then Dennis.

JEFF NEUMAN: Thanks. I guarantee you that ICANN Legal and Contractual Compliance will have a very different view of what grandfathering is than how you represented it, which I agree that that should be what grandfathering means. But grandfathering could mean—and this is the way I'm sure it would be interpreted by Compliance—is that everything that was in place on the day prior to the change is allowed, but anything new has to follow the new process, which could get incredibly messy. Maybe names have been allocated but their variants haven't been allocated. Or the variants have been allocated but the end user wants to switch from the prime that it was using to use a different variant instead. So we definitely need to define grandfathering because, like I said, it could be either of those two extremes.

DONNA AUSTIN: Okay. Thanks, Jeff. Dennis and then Michael.

DENNIS TAN TANAKA: Thank you, Donna. I think I agree with the conversation, where is it going, converging to, looking at the use cases of grandfathering. When we talk about the Root Zone LGR and its application, in one moment in time in the life cycle of the TLD, if you will, the moment where you apply for it and you have to validate whether the string is valid or not for the current rules, and that's the only moment that you would use a Root Zone LGR, at least in my mind. Afterwards, when it's delegated into the root and its operation, it's allowing registrations at the second level and whatnot, a transition from

one backend service provider to another, those would be the grandfathered use cases or the moments in which the grandfathering clause would apply and would allow the TLD to continue its operation uninterrupted as if nothing happened. But the root zone would apply new rules for new applications, but anything else that was already approved would continue. I think that's where the conversation is going now and I think that's where we should be focusing on. I think the clauses that assess grandfathering making assurances that the LGR, the IP will retain backward compatibility, those are good in place. And again, we're talking about really extremely rare cases but still need a way to put in our policies that any TLD that is already delegated and in the operation and their variants have been allocated already to the same entity, they need to continue its life cycle until the end of the contract of operation. Thank you.

DONNA AUSTIN: Thanks, Dennis. Michael?

MICHAEL BAULAND: Maybe we could define grandfathering something like that in case the Root Zone LGR gets changed to a new version, then all existing TLDs will still be subjected to the previous version, to the version when they have been initiated, they have been allocated. So the whole Root Zone LGR process works with version so [inaudible] states that the existing TLDs keep the versions applicable to them at the point of their adaptation. Thanks.

DONNA AUSTIN:

Thanks, Michael. Dennis, is that a new hand? Okay. I think we're in agreement that we need to define grandfathering, what we mean by grandfathered. I think we have some examples that people have identified that we want to include for avoidance of doubt. I think we'll get the team to go back and review the notes and call some of those out. But I think it is important that we define what we mean by grandfathering. Okay. I think we should be on pretty good ground about what we mean by grandfathered. I don't think anyone has a different interpretation here. I think we're all on the same page. So that's good.

With the policies and procedures, as I said, I think that maybe that's something that we can park for a little while. Let's try to get through the substance of the A6 question. Because as we identify recommendations to other questions, we may have to come back and look at impact on policies and procedures more broadly. So maybe we can just park that for a while and come back to it later, and maybe there's a small group that we can rope into doing that. But I suspect that this isn't the only question that we're going to have to do this for. So what I like to do is park that and get through the substance of A6 and knock that off.

So going back to question 1.5, we had some additional questions that the leadership had identified. I'm sorry. I know there's a chat going on about LGRs at the second level. I haven't really been paying attention to that. But if anyone wants to speak to it, would they like to do that now? Okay. I'm just going to let that bubble along in the chat. Justine, if you think we need to discuss it, just put your hand up and let me know.

There's a question about how much detail do we want to include in a recommendation about the public comment period. That's the question that Dennis was asking about, who would provide that information? So we're going a little bit out of scope of what a normal public comment period would look like. So maybe we can have a bit of a discussion around the mechanics of what we want to say in that public comment. The first question we identified was should the public comment include any mitigatory action to address potential security and stability risks associated with not achieving full backward compatibility? If so, is the Generation Panel in a position to propose mitigatory reaction? Is this something that we think we should include as part of Recommendation 1.5 to call it out specifically? Or would that be done anyway as part of what the Generation Panel does? I suspect that with the chat going on, no one's really paying attention. Satish, go ahead.

SATISH BABU:

I had a clarification here. I was under the impression that it is the Integration Panel that was more concerned with security and stability than the Generation Panels. So why are we calling out the GP here?

DONNA AUSTIN:

I think because the Generation Panel is the panel that does the public comment process. The Integration Panel would be the ones that identify a security and stability issue, and then perhaps it's the Generation Panel that looks at potential mitigatory action. But Justine's going to correct me here. Go ahead, Justine.

JUSTINE CHEW: I don't know about correcting you but my understanding is the GP is the one that proposes the update. So they come up with a proposed script that may cause incompatibilities. So that's why we highlighted the Generation Panel as the entity to possibly provide any mitigatory action. Thanks.

SATISH BABU: Thanks. So maybe if someone can clarify this as to which of this panel—because there are several GPs and there's one Integration Panel that was kind of I thought was in control of the root zone. So if someone can please clarify this.

DONNA AUSTIN: Sarmad, go ahead, please.

SARMAD HUSSAIN: Thank you, Donna. Thank you, Satish. So the way the process works is that Integration Panel only has a review role. It does not actually have any say in what goes into the Root Zone LGR proposal from a Generation Panel. It does provide feedback and it does obviously provide some demarcation, for example, through the Maximal Starting Repertoire process. But eventually, the solution for the script is provided by the Generation Panel.

Process-wise, the way it works is that the Generation Panel provides a solution. They then release the solution or a proposal for public comment. IP, obviously, is responding to any queries

Generation Panel may have to them. But IP obviously is, I guess, standing by, looking at this whole process. The public comments come back. And based on that, Generation Panel makes its final recommendation, and then submits a proposal to the IP. IP at that stage looks at the Generation Panel proposal, looks at the public comment process input. And based on that, the LGR procedure makes the final review to decide whether the proposal meets the Root Zone LGR procedure criteria and also addresses the public comment feedback. And if it does, then IP moves forward to integrate it. And if it does not, then it basically sends the proposal back to the Generation Panel with its comments for reconsideration. Thank you.

DONNA AUSTIN:

Thanks, Sarmad. So where does that leave us? Do we think that the public comment should include any mitigatory action? Okay. I'm going to leave that one aside.

Maybe, Ariel, if you can go back to Recommendation 1.5. When we had discussions about this some time ago, there was concern that the Generation Panel would only be focused in the public comment process on the LGR and not necessarily the impact that the exception would have on an existing gTLD, which is this part of the recommendation that we're trying to address here. To ensure balanced representation of the issues, the public comment process must also provide an assessment of the potential impact of not validating the existing gTLDs as well as their delegated variant labels on the gTLD registry operator, customer, and end users.

So we have a question about who should do that. Should it be the registry operators? Should it be ICANN Org? I don't think that Generation Panel itself will be in a position to do that. So we're just looking for input as to who would be best placed to do that. Jeff?

JEFF NEUMAN:

Thanks. I think it should be a combination of both. That should be the registry operators should be given a chance to present its assessment, ICANN should have its assessment. And where there is a disagreement, then there should be some process to work out that disagreement. But I don't think we should specify whether it's ICANN or the registry. I think we should say both should provide their assessments and where there's a conflict, there should be some way to resolve that.

DONNA AUSTIN:

Thoughts from others? Okay. I'm not seeing any hand. Sarmad, go ahead.

SARMAD HUSSAIN:

Thank you, Donna. I was just going to add that just the scope of this particular study, the Generation Panel itself, the way it's formed and the Integration Panel, this study would be much broader, and I guess go much beyond the scope of the work those two panels are formed with. They may not be well-equipped to do the study. Thank you.

DONNA AUSTIN: Sarmad, just a question about the process. If an exemption is identified, is there anything in the procedure now that allows for the Generation Panel to consult with the existing registry operator or registry operators that may be impacted by the exception?

SARMAD HUSSAIN: So there's not an explicit requirement as such, but there is nothing stopping a Generation Panel to do a wider consultation. I think it is fairly open, it's not defined. Thank you.

DONNA AUSTIN: Okay. Thanks, Sarmad. I think we can come up with something and it would be implementation guidance, I think. I don't think it will be part of our recommendation, but some implementation guidance about who should provide that information.

So what's our last question there, Ariel? So should the public comment also include any proposed mechanism to reduce the impact on the effective gTLD registry operator and user experience? If so, which entity is in a position to propose such a mechanism? Any thoughts on this one? I think it might be consistent with what Jeff had suggested on three. So, Jeff, go ahead.

JEFF NEUMAN: Yeah, that's what I was going to say. To the extent ICANN, when it's putting this out for public comment, can propose a solution. That would be great. And then the registry can obviously comment on that. And if there's a difference, again, like I said, there needs

to be—either you follow the contract—contracts already got mechanisms for where registries and ICANN disagree. But yeah, it's the same thing as three in my mind.

DONNA AUSTIN: Okay. Anyone else has some thought? Any thoughts on that? Dennis, I know you raised this in the context of 1.5. So are you reasonably comfortable with this now? Are there any outstanding questions from your perspective?

DENNIS TAN TANAKA: No, sounds good, Donna. Thank you.

DONNA AUSTIN: Okay, great. Thanks, Dennis. All right, thanks, everybody. Hopefully, we can have a listen to all of this and get it right in the next iteration and we can move past. All right. So where are we, Ariel? A7? Okay. I hand this one over to you, Ariel.

ARIEL LIANG: Thanks, Donna. So now we're going to recap the discussion of A7, which is about the single-character TLDs. And we'd like to check with the team regarding the direction whether any recommendation is going to develop, and if so, what the recommendation may look like and how we're going to answer the charter question. So the charter question has two parts. The first part is about the mechanism or criteria should be used to identify the scripts or languages appropriate for single-character TLDs.

Based on the deliberation so far, we have heard that this question seems to be answered already because the only script that's applicable for single-character TLDs and RZ-LGR is the Han script, and the languages affected are Chinese, Japanese, and Korean. So at least this part of the question it seems to be able to answer.

Then regarding the second part of the question, which is about the mechanism or criteria to identify a specific list of allowable characters for single-character TLDs. This part what we heard is that it doesn't seem the EPDP team has the skills or knowledge or expertise to identify that. So in that way, one idea is to outsource this question to the Chinese, Japanese, and Korean Generation Panels. And as a suggestion from staff, what we think it may be helpful is to provide a clear set of instructions to pass on to the panels. So that means we need to specify what is expected to be covered within RZ-LGR with regard to the single-character TLDs. And then this may also have implication to additional separate processes such as string similarity review. If Sarmad would chime on that point, that would be helpful. And then another specification that may be helpful to include is whether that list off so that characters is the inclusion list or exclusion list.

And then lastly, if the EPDP team does plan to outsource this question to the GPs, ICANN staff can help reach out to the chairs of the GPs to confirm whether they have the will and resources to do this work. In addition to that, because the Integration Panel will ultimately decide what update to script proposals to integrate in the root zone, they need to be involved as well. There may be implications for budget and time and resources as well. So some

prior outreach is needed if the EPDP team wishes to outsource this work.

At the same time, there's another alternative proposal that we heard in the deliberation, is that instead of doing this work up front, an applicant who wishes to apply for a single-character TLD place for additional analysis as part of the application process, and then that analysis will, again, identify any security and stability risks or concerns with regard to string similarity and other processes. So that's the alternative approach we heard. So with this summary, we'd like to hear from the EPDP team which direction you wish to go with regard to the second part of the question.

Also, I want to highlight that in the second part, there's another sub-question regarding should the relevant GP tag these code points in the RZ-LGR for consistent analysis and to ease their identification and algorithmic calculation. So that is some kind of implementation guidance related to this. So I will stop here. I see Jeff and Dennis already have their hands up.

DONNA AUSTIN: Jeff, go ahead.

JEFF NEUMAN: Okay. Thanks, Donna. Thanks, Ariel. So for the first part of it, the single characters only allow for Han script. I think that's the implementation of the policy. But isn't the policy more that single-character gTLDs may be allowed for scripts that recognize ideographs or whatever the term is. I don't want policy set in stone

that forever the only single-character gTLDs that'll be allowed are for the Chinese, Japanese, and Korean languages. In case there are scripts that just haven't been completed and there are things I don't know about, so I agree with the implementation that at this point in time, the only single-character gTLDs that are allowed are for Han. But that's not the policy, that's the implementation. The policy is that single-character gTLDs may be allowed only for scripts that recognize ideographs or whatever it is. I'm probably not using the right term. So I just think it's important in our report that we make that clear.

Then I think the second part is that—sorry, there was something—I agree with the fact that for the scripts that recognize ideograph—again, I'm sorry if I'm not using the right term—that yes, these should be outsourced to the Generation Panels. And yes, we should send them clear instructions on string—what they would consider to be similar and whether they want to specify a list or a set of criteria, that's up to the Generation Panel. Thanks.

DONNA AUSTIN:

Jeff, can I just ask a follow up? So the SubPro did or did not have a recommendation on this, on single characters?

JEFF NEUMAN:

Yes, it did. My point is that this should not be a new policy. It should be raised as implementation or either agreement with the Policy and SubPro. And then we could always say that our interpretation of that policy at this moment in time is that single-

character gTLDs may be allowed or only allowed for these three scripts but that doesn't preclude other scripts in the future.

DONNA AUSTIN: Right. So I think—

JEFF NEUMAN: Sorry. This doesn't really answer the question. The question is what are the criteria to identify the scripts? And our answer is the scripts themselves. So we didn't really answer it.

DONNA AUSTIN: Okay. So I think we can reaffirm the SubPro policy recommendation. And I think Ariel said that that's context that's provided to this charter question that we may not have on the screen here. So if we're discussing implementation, "Folks, okay, we've got we have in front of us." Dennis, go ahead.

DENNIS TAN TANAKA: Thank you, Donna. I agree with Jeff as far as question number one, the mechanism and criteria, we should abstract the answer and not be specific. On the second part, as far as implementation and asking GPs or potentially a different part, I mean, my take here is if the ask to the GP cannot be well-scoped or it's been too expensive from a resources standpoint and not practical, I think we talked in the past about making sure that there is a thorough review of these strings. And let's remember, a single IDN character, it is in reality at least four-character long string.

Because every IDN you label, when it's transformed to an ASCII label, it has the prefix X and hyphen, hyphen, and the output of the Punycode algorithm. So it's not single character per se, it's just a single character in the user interface.

So my question here would be, or at least clarification at least for my benefit, is on the second part, the alternate approach. Are we suggesting that these review panels is different from what we are considering a DNS stability review panel? And what would that be, if we are envisioning a different extended review period just for single characters? I don't think there is anything different from a DNS standpoint. Considering that IDN single characters are really not single characters in the ASCII form, why would that be an additional review process outside the normal stability panel, string similarity, which already happens among all other strings, and so on, so forth? Thank you.

DONNA AUSTIN: Edmon?

EDMON CHUNG: Yeah. I agree very much with what Dennis said. I don't think there should be a separate kind of evaluation. Although, that being said, in the implementation, it is possible that if it's a single-character TLD, maybe there's an additional question to ask, but the evaluation process should be the same.

DONNA AUSTIN:

Okay. I'm going to admit that I've struggled a little bit to follow where we are on this, but I think what I'm hearing is so we reaffirm the SubPro policy that single-character IDN TLDs are allowed because I don't think single-character ASCII is allowed. We need to talk about mechanisms or criteria rather than getting to an answer. So I think we can take that on board. Obviously, it's for this group to come up with mechanisms or criteria, which I think is what we're trying to get to in the second part. So I don't think there's support for a separate process as part of an application round to do this. So it looks like we're going to have to find—do we want to outsource this in some way? So, Ariel, Justine, or Sarmad, if anyone wants to help me out here with a recap of this one. Okay. Sarmad, go ahead.

SARMAD HUSSAIN:

Thank you. I think even though this is something which is potentially the Chinese, Japanese, Korean panels could, for example, look at, but this is not really a question about whether a character is allowed—so that we back up and say the Generation Panels are answering a few questions, right? They're answering whether a particular code point is valid to be used in a top-level domain or not, which a single character would be, they would try to answer whether a particular code point is a variant of another code point or not, whether within that script or not, and that analysis they've already done.

The third question they tried to answer is that is that character allowed freely or in certain context, which are those label rules. Then there is this extra layer about similarity, which is something which is not directly handled in the formal part of the Root Zone

LGR definition, though many of the Generation Panels have looked at similarity and documented that information as part of the informal part, I guess, or non-normative part of their proposal. But this particular question is related to similarity or string similarity, user confusion. And I guess the comment from SSAC was that when you have a single character and there's no context around a character, sometimes it becomes a little more confusing. Just to take an example, you could take a Chinese character, which is a single stroke character, and if it is followed by another Chinese character or two other Chinese characters, the single-stroke character can be, for example, easily understood to be a Chinese character. But if a single-stroke character is by itself, sometimes it may not be very easy to predict which, for example, even script it's coming from because it could be look like another character from another script.

But in any case, to conclude, this is like a string similarity problem. And I guess one possibility, if you are looking for alternative panel to look at beyond the Generation Panels, we do have a String Similarity Review Panel as well. And that could, for example, take up an added role for special cases of single characters. So that's another possibility. Thank you.

DONNA AUSTIN:

Sarmad, where does that String Similarity Panel sit? Is it part of the LGR process or is it a separate—

SARMAD HUSSAIN: In the previous round, it was a separate panel. So there are two panels, one is the DNS Stability Review Panel, which also look at the DNS stability, kind of security stability issues. And then there's a separate panel which looks at string similarity issues. So those were two different panels in the previous round of gTLDs.

DONNA AUSTIN: Okay. So you're talking within the new gTLD process. The Fast Track process had something similar or am I confusing that with something else?

SARMAD HUSSAIN: Fast Track process also has these two roles. But they were in implementation merge. Both roles were taken up by the DNS Stability Panel. But later on, there was an appeal process for string similarity review cases for which a separate panel for extended string similarity review was formed.

DONNA AUSTIN: Okay. Thanks, Sarmad. I apologize. We're a minute from time here, folks. Jeff, go ahead, please.

JEFF NEUMAN: I was just going to sort of address this just now, but we should be clear that string similarity, I think it is fine to have just the regular gTLD String Similarity Panel review this. But we should be clear that we're talking about the new gTLD string similarity process

because I think the ccTLD one was much, much more expensive.
Thanks.

DONNA AUSTIN:

Okay. Thanks, Jeff. All right, maybe we're getting a little bit more clarity on this and an understanding. So we'll review the call again and see what we can come back with on A7.

All right. So apologies, we're at time. Just a reminder to folks, if you can have a look at the proposed sequencing of the charter questions, we'll hold that open for another week. And if we don't have any substantive comments, then we will proceed with what Ariel has put to the list today.

So thanks, everybody, for your time. Again, we've made some good progress, even if we're going over some stuff that I think we're just shoring up some of the earlier conversations. So thanks, everybody. We will talk to you in a week. You can end the recording now, Devan.

DEVAN REED:

Thank you all for joining. Once again, the meeting has adjourned. I'll end the recording and disconnect all remaining lines. Have a great rest of your day.

[END OF TRANSCRIPTION]