
ICANN Transcription

IDNs EPDP

Thursday, 28 April 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, 28 April 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 Dennis Tan. Maxim Alzoba will be joining late.

All members and participants will be promoted to panelists for today's call. Members and participants, when using chat, please select everyone in order for everyone to see the chat. Observers will remain as an attendee and will have view only chat access.

Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. If you need assistance updating your Statements of Interest, please e-mail the GNSO secretariat.

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All documentation and information can be found on the IDNs EPDP wiki space. Recordings will be posted 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 over to our chair, Donna Austin. Please begin.

DONNA AUSTIN:

Thanks, Devan. Welcome, everybody, to our IDN EPDP call for today. We're going to continue our conversation on string similarity process. I thank everybody that have responded on the e-mail list. We will give folks an opportunity to speak to their respective thoughts on this question during the call. It's not clear to us yet what this will reveal. But after we've given everybody an opportunity to speak to the Level 1, 2, or 3 preference, they will come back and have some discussions about some of the finer points as they come up. If you didn't have time to post your thoughts on the e-mail, this will still give you an opportunity to speak to thought. So rather than back and forth that we would normally have, what I'd like to do is just give folks the opportunity to speak. And then if there's any questions after that, we can run through those then. So hopefully that works for everybody.

Ariel, I don't think I have any other updates. I don't think there's any updates I need to provide to folks.

ARIEL LIANG:

Thanks, Donna. I think we're good for now.

DONNA AUSTIN: All right. Okay. So with that, I'm going to hand over to Ariel to set the scene, and then we'll start to work our way through from different folks on the group. So over to you, Ariel.

ARIEL LIANG: Thanks, Donna. Let's just refresh our memory of the three questions related to string similarity review. E3 is the overarching question, basically asking whether any modification or adjustment is needed to ensure that the implementation of string similarity review will need to be modified because of the implementation of variant labels. And for these questions, we're considering this in the context of future new gTLD applications. We're not talking about the existing ones yet. So that's one note for all these questions.

E1 (Part 1) has a specific question about the withheld same entity labels, what roles do they play in the string similarity review process? E3a talks about the consequence of string similarity review. So after a requested variant string is rejected as a result of the string similarity review, should other variant strings in the same variant set remain allocatable or should the individual labels be allowed to have different outcomes/actions. But we will tackle this question after addressing the overarching question and also the withheld same entity labels' role in the string similarity review.

This is the graphic that you saw two meetings ago. It basically illustrates the possible types of labels that can enter the string similarity review. So just to simplify it, the top level, the P1, that's

the applied-for string, and then it has three variant labels. Two of them are allocatable, one is blocked, and then within the two allocatable ones, one is being requested by the applicant. Then at the lower side of this slide show the other possible labels that need to be entered were compared against in the string similarity review. So they have different situations, like some they have variants, some may only have blocked variants, some may have multiple variants, but only one or two or a number of them are being requested for, or some of them actually have allocatable variants but none has been requested. And then some labels, they have extremely large number of allocatable and blocked variants such as Arabic gTLD. So these are the type of gTLDs that are being compared against in the string similarity review. So that's just to illustrate the possible scenarios we're dealing with.

These are the three levels that we discussed in the previous meeting and also folks responded to on the mailing list. So Level 1 is perhaps the most simple procedure. Basically, the primary plus only requested allocatable variants are being compared against each other. So, only the green ones that are being compared. Then Level 2 is to compare the primary plus all allocatable variants, so the green ones plus the orange ones. And the Level 3 is the primary plus all allocatable and blocked variants. So everything is being compared. So these are the three levels.

Now, staff provided some preliminary assessment or analysis in the last meeting. It was categorized as pros and cons, but then we realized these are pretty subjective based on who you talk to. So just to make it more accurate, we re-categorized these factors for consideration as impact on review and potential consequences.

So for Level 1, if you're only comparing the primary plus requested allocatable variant labels, the impact on the review is that there is a limited pool of labels to consider. As a result, it could be the simplest, fastest, and least expensive type to conduct the review. The potential consequence is that potentially some label, they may be delegated even though they're visually confusable to an allocatable variant of a gTLD that may be requesting in the future, or some label maybe delegated even though they're visually confusable to a blocked variant. So that's some potential consequences of this least conservative approach for Level 1.

For Level 2, if the primary plus or allocatable variants are being compared against each other, then the impact on the review is that it is a more conservative approach but a little bit more practical as well because there is a relatively manageable pool of labels are going to enter the comparison because there's only seven scripts that have allocatable variants. Except for Arabic, all the other scripts, they have set ceilings for a number of allocatable variant labels. So it's a relatively manageable pool of labels. As mentioned earlier, for Arabic, it may have extremely large number of allocatable variants, so that's something to consider as well.

On the potential consequences of Level 2 is that it may reduce the possibility of visual confusability among all allocatable variants that apply during the same rounds. But I note that there's other possible benefits that are mentioned by other members as well. So we'll talk about that when we go to the detailed analysis of each level. Another potential consequence of Level 2 is it may simplify the evaluation process for allocatable variants requested

by existing registry operators between application rounds. I think that's the one that some of the members mentioned.

Then for Level 3, if everything is being compared, the primary plus allocatable plus blocked, it is the maximally conservative approach. But there are 21 scripts in the RZ-LGR have variants. And certain TLDs in Arabic, Cyrillic, and Latin may have extremely large number of blocked variants like tens of thousands or hundreds of thousands. Then as a consequence, it's the slowest, most complicated, and expensive type to conduct the review.

The potential consequence of the review is that it may reduce the possibility of visual confusability among all valid labels in the same round, but it may also reject strings due to conflict with a blocked variant that will never be delegated. So in other words, it may be an overkill. That's a staff assessment. But that's just a conversation starter and folks may disagree with that. So I guess with that we're kind of setting the scene. So what staff did is we put folks' comments and input on the slide under each level. Donna, would you like to run the queue and invite members to talk about their input for each level?

DONNA AUSTIN:

Oh, sure. Thanks, Ariel, for running us through that again. I see that Hadia has her hand up. Hadia, go ahead. Hadia, you might be on mute because we can't hear anything.

HADIA ELMINIAMI:

Hi. If we could go back please to the previous slide. Yes. Thank you so much. I raised my hand in order to speak about the

potential consequences listed here. So in Level 1, we say potential consequences may potentially allow delegation of a string visually confusable to an allocatable variant that may be requested in the future. Actually, I don't agree with this potential consequence because what actually will happen that the other allocatable variant won't be able to be allocated to the entity which owes it. And if we go with Level 1, all entities will know that the variants, the strings that they can ensure are the ones that they apply for. The ones that they do not apply for, they might never be able to apply for because in the future, those might be confusable with other strings that have been applied for. So the consequence here is that entities might not be able to apply for allocatable strings if they do not apply for them in the first round if we go with Level 1. But then if we are talking purely about confusability, no confusability will be happening in the future.

So Level 1, Level 2, and Level 3, all of them, they guarantee that there would be no confusability. I do not see any of them actually providing better assurance than another one. As for the other consequence, it may potentially allow delegation of a string visually confusable to a blocked variant. So if it's a blocked variant, it's blocked. It will never be allocated. Why do we care if it's visually confusable with a blocked string that will never be used? This same logic would apply to also Level 2. Thank you.

DONNA AUSTIN:

Thanks, Hadia. So with that, the next slide, please, Ariel? So this isn't in any particular order. It's more related to—what I mean by that is we haven't prioritized the order in any way. It's just really how the e-mails came through. Michael, we'll give you an

opportunity to start first. I'm assuming that, Michael, you're speaking on behalf of the Registrar Stakeholder Group, but I just want to confirm that that's the case. With that, we'll hand it over to you, Michael.

Just a reminder to those that have joined late, what we're going to do during this part of the meeting is we will give folks the opportunity to speak to their preference for Level 1, 2, or 3, that Ariel has just gone over, and notwithstanding that some of the conclusions or assumptions from a staff perspective may not be supported by folks on the call. So this is your opportunity, really, to let us know what your preference is for Level 1, 2, or 3, and then provide us with the reasons why you support that, your preference.

Then once we finished, when everyone's had the opportunity to go through, we will then open up for questions. It's always a bit tricky as to whether to allow for questions as the person finishes speaking or to continue through everyone first. But I think what I'd like to do is just give folks the opportunity to talk to their respective preferences first, and then we'll open it up for questions after everyone had a chance to speak in the first instance.

I also note that we don't have input from the Registry Stakeholder Group. Dennis isn't on the call today but I understand that we won't have that until maybe next week. So how we incorporate that into this conversation is unclear to me yet, but it will become clear at some point. There are others that may not have been able to provide their rationale on the list, but we'll give you an opportunity to speak to what your preference is during the call anyway. So with that, Michael we'll start with you.

MICHAEL BAULAND: Yes. Thanks. First of all, I'd like to mention that I'm not talking on behalf of the Registrar Stakeholder Group right now. That's my personal opinion. I checked with the Registrar Stakeholder Group and they actually have no opinion to voice in this context. So I'm new to this policy development process. So if that means that I also may not voice an opinion then I, of course, will be quiet, but if I can still voice my own opinion, then I'll continue.

DONNA AUSTIN: Please go ahead, Michael. And thank you for just noting that this is your personal opinion. But I guess what my expectation is that at some point, this will all come back to your respective group that the folks that are representing and this will all be squared away at that point. So I appreciate that this is your personal opinion, but also note that you have asked the Registrar Stakeholder Group if they have any views. So, off you go, Michael.

MICHAEL BAULAND: Okay. One further question. As you can see, I said I support this if something is the case. Is it already decided whether it will be possible to apply for variants between the application rounds or will registries only be able to apply for their own variants which are allocatable and within application rounds?

DONNA AUSTIN: We haven't made any decision in that regard, Michael. So it's still an open question.

MICHAEL BAULAND: Okay. I thought so. Thanks. So that's why I don't have a strict choice right now. So if it's only possible to apply for variants during the rounds, then I think that this Level 1 is sufficient because it is a safeguard against allocating variants that would be confusable to other strings which are allocated and have no need to check any future potential confusability of labels that may actually never be applied for or allocated. That would only restrict the space without a real necessity. Anyway, thanks.

DONNA AUSTIN: Thanks, Michael. So I'll hand over to ALAC now. I'm not sure who's speaking, I know Hadia sent the e-mail. So it looks like it's Hadia. Go ahead, Hadia.

HADIA ELMINIAWI: Thank you. I also support what Michael just said. There is no need to restrict the space without reason. So Level 1 actually allows not restricting the space without reason. It entails the least similarity work. The only drawback of Level 1 is that if the entity does not apply for one of its allocatable variants at this point in time and would like to apply for it later, it might not be able to. But if the entity knows this from the very beginning, then they could apply for the variants that they want today and the variants that they want in the future as well. So that's why we support Level 1.

Also, all three levels, Level 1, Level 2, and Level 3, are the same in terms of avoiding confusability. I don't see an advantage between one level and the other in that regard. Again, whether

Level 1 is better or Level 2, this depends on the cost associated and when an entity can apply for a variant. Do they have to wait for another round or they just apply at any time? So those are elements that we did not talk about yet or did not reach any conclusions in relation to it. But Level 1 entails the least similarity work, the least cost. It does not restrict the space with only one disadvantage that the entity might not be able to apply for one of its allocatable variants in the future if it does not apply for it now.

DONNA AUSTIN: Thank you, Hadia. Tomslin isn't usually on the call and I don't see him here. Ariel, would you mind just speaking to Tomslin's e-mail, please? But I see Edmon has his hand up. So I just want to check. Edmon, did you have a question?

EDMON CHUNG: Sure. Sorry, I'm actually on another call also, so I was going to focus on that. But yeah, I hear it. I just want to bring one point up is that—

DONNA AUSTIN: Edmon, sorry. Just a point of order for what we want to do is just run through, give folks the opportunity to speak to their piece, and then we'll come back and have discussion once we've done that, if that's okay.

EDMON CHUNG: Okay. Then I'll just wait to the end.

DONNA AUSTIN: Okay. Thanks, Edmon. Ariel, if I misunderstood something here that Michael has an option two, or is that a repeat?

ARIEL LIANG: Michael also has some input for Level 2 as well. Would you like him to speak to this? It's different from Level 1 comment.

DONNA AUSTIN: Yeah. Sorry, I misunderstood what I was looking at here. Yeah. So sorry, Michael. Go ahead.

MICHAEL BAULAND: Thanks. No problem. Similar to what I said before, because if we decide that a registry can just request or activate any of their allocatable variants anytime, just like any other thing we want to support a new and second level IDN table, we add a new script. If they can just do this outside of rounds, then Level 1 is not enough because that case already at the application round of the original applied-for TLD, we have to check all allocatable variants because any of those could be requested and activated at any point in time, and we have to ensure right from the start that these activations will then be possible. Thanks.

DONNA AUSTIN: Thanks, Michael. Ariel, if I could ask you to be Tomslin's proxy.

ARIEL LIANG: Yes. No problem. I'm not sure whether Tomslin expressed the inputs on behalf of NCSG or does he say in individual capacity, but I'll just read his comment. It seems he supports Level 2 as well because it offers opportunity to narrow the chances of any confusability strings in the same round, which improves predictability. And cost-wise, it presents a good balance between the three options. So basically, he supports this as a middle ground.

DONNA AUSTIN: Thanks, Ariel. Do we have Nigel on the call? We do not. Do we have anyone else from the GAC that can speak to the GAC input on this? Ariel, I might have to ask you to be proxy again.

ARIEL LIANG: Yes. Actually, we do have another GAC representative on the call, but I know that his input is different from Nigel's. So I assume Nigel's input is from his personal capacity, not the GAC perspective, but happy to be corrected when he hears this recording. So he supported Level 2 as well. He said it seemed to give a level of flexibility and opportunity while ensuring a degree of protection against confusability. I just want to note, there's another slide for Level 2 and probably that's why Hadia has her hand up.

DONNA AUSTIN: Okay. Next slide, please. Okay. Hadia, you had your hand up?

HADIA ELMINIAWI: I have my hand up because I don't really get it why people think that Level 2 might provide—if we go to the previous slide, please. Yeah. Why would Level 2 narrow the chances of any confusability strings in the same round and Level 1 wouldn't do the same.

DONNA AUSTIN: Hadia, what we're just trying to do here is just give people an opportunity to speak to what their preference is, and then we'll come back and open up the discussion after we've had an opportunity to do that. So I appreciate you have questions but let's leave those in.

HADIA ELMINIAWI: Okay, sure. Yeah.

DONNA AUSTIN: Until we've done the run through. But if you I'd like to speak to the ALAC—

HADIA ELMINIAWI: Yeah, sure. If we could have our slide, please. Thank you. So Level 2 allows for the entity to actually have all its allocatable variants, it can apply for them at any time and have them allocated. It ensures this, provided of course that the entity pays for all those allocatable variants, whether it will use them in the future or not. One drawback, of course, is that some other TLDs might be a blocked for the sake of some allocatable variants that the entity would never actually use. But then again, the entity

would have paid for having the similarity work done. This level, Level 2, gives good future predictability because all entities have their original string and the allocatable variants. So no other TLD in the future could apply for those allocatable variants whether they're going to be applied for or not.

So this is like a middle ground between Level 1 and Level 3. Again, it depends on the cost and when, because the entity will need to pay for the similarity associated with all those allocatable variants, whether it is going to use them or not. So I'll stop here.

DONNA AUSTIN: Thanks, Hadia. Justine?

JUSTINE CHEW: Thanks, Donna. If I could just ask a clarifying question with Hadia.

DONNA AUSTIN: Sure.

JUSTINE CHEW: Okay. Thanks. Hadia, can you just clarify for me again? What is the difference between ALAC's preference for Level 1 and Level 2? Is there a preferred of either one or two? If you could just repeat the circumstances by which you prefer one over the other or vice versa? Thank you.

HADIA ELMINIAWI:

Okay. I would say, Level 2—if actually the cost associated with the applied-for string is high, then Level 2 doesn't make much sense because entities will be paying for allocatable variants that they are not going to use. So they're paying extra cost for variants that they're not going to use. In addition, they are blocking other TLDs that might not be able to exist because of some allocatable variants that the entity is not going to use. So Level 2 does not make much sense if the cost is high. If the cost is not high then entities could go ahead. It depends again from which perspective you're looking at. If you're an entity, if you're looking from the perspective of an entity, then the cost is a factor. If the cost is not much, then you would apply for all of your allocatable variants, whether you need them or not. In all cases, you wouldn't care much about blocking others.

So again, the decision depends on from which angle you're looking from. As for the angle of confusability, I see them all providing the same level of protection. I would say not the loser, but yeah, the loser between Level 1 and Level 2 is the entity itself, because if we go with Level 1, it might not be able to acquire some of the allocatable variants in the future. However, it is giving room and space for other TLDs to exist. Again, if you're an entity, you don't care much about the other TLDs. If we are looking at the wider picture, then we say we do care about the space and we do not want to limit the space. It depends which angle you're looking from.

DONNA AUSTIN:

Okay. Thanks, Hadia. Can we have our next slide, Ariel? So, Anil, you're on the call. Did you want to speak to your preference here?

Okay. So, Anil, I'm not sure if you realize that we're asking you to speak to this, but I'll assume that you're not in a position to. Santhosh, are you in a position to speak to your position here? Okay. Ariel, could you just do a quick proxy on these two as well, please?

ARIEL LIANG:

Sure. Anil seems to support Level 3. He said it was continuous technological improvements in reducing risk evaluation time of assessment. Although he wasn't providing rationale for why he supports this but I think he's making a suggestion. If some kind of technology can support the evaluation of all these different labels, then it will help. I think that's something was discussed last meeting about potential of using AI to do this evaluation. But it doesn't seem to be something that can be done based on the SubPro some recommendation on eliminating the [SWOT] tool. But anyway, this is Anil's comment. He supports it, but we are not clear what the rationale is.

Then for T. Santhosh's comment, he also supports Level 3. He said, "Already lots of complaints are being raised on the misuse of domains mainly on BRANDs. String similarity can raise more issues. A well defined process should be established. Registrars should do foolproof checking while providing domains." I'm not sure whether that's rationale for why Level 3 is being supported. It sounds more like a suggestion. So I'm happy to hear more input from T. Santhosh on the call if he's able to speak. We also have a second slide for Level 3, Donna.

DONNA AUSTIN: Okay. Can we go to that, please, Ariel? Okay. So Michael B and ALAC. Kind of following the vein of the question that Justine asked Hadia for the ALAC, although this is quite different, I suppose, in the perspectives here. Actually, I just forget I mentioned that. Because this is both Michael and ALAC objecting to Level 3, it's not specifically to what we're looking at here. So maybe what I want to do—because I know on the last call, we had some people who had a preference for Level 3 but that hasn't come to on the e-mail. First of all, is there anyone on the call that wants to speak in favor of Level 3? So I'll ask that as the first question. Okay. I'm not seeing any hands. Is there anyone on the call that hasn't—Edmon, go ahead.

EDMON CHUNG: Speaking in personal capacity. Not really to support Level 3 per se, but I think as we go through this, we might also need to think about what was—actually, sorry. As we think about this, we might need to think about, if we go with Level 1 and 2, we might need to also think about what first come first served means when prior round applicants activate certain of their variants. So I just think that that's something that we will need to broach. In the case of Level 3, then that would not be an issue because all of them would be taken care of. But in the case of Level 1 and 2, that would be an extra point of consideration.

DONNA AUSTIN: Thanks, Edmon. Sarmad?

SARMAD HUSSAIN:

Thank you, Donna. I just wanted to perhaps add another perspective to this discussion as we move forward. So we've actually been talking or looking at it from the perspective of applicant and other applicants. But I think one of the main motivations of string similarity is from an end user perspective specifically. We want to make sure that the DNS space is least confusing for the end users. And for that purpose, the string similarity is done so that if two strings are similar from an end user perspective, they should, of course, not simultaneously be able to go into the DNS.

So that's sort of, I guess, our underlying motivation behind string similarity review. So with that background, I just want to give sort of a couple of examples. Let's start with the second level. So if I have myname.com versus myname.org, those two domain names are quite different to each other, right? There's no similarity and therefore there's no issue. However, if we replace .com and .org with the two strings which are similar to each other, then from an end user perspective, if you have myname dot a TLD and then myname dot another TLD which is similar, that is going to cause confusion for the end users. I'm not talking about the registrant but talking about the end users who are actually looking at that domain name. They may actually confuse one domain name for the other. And therefore, this can cause minimal confusion for end users, but eventually, that such confusion can be exploited for phishing and other security kind of problems.

Now, let's look at it from a variant perspective. So, extending that example further, if we have myname dot TLD, again, another myname dot another TLD but that TLD is similar to a variant of the

first TLD, then from an end user perspective, the variant by definition means that the two TLDs are considered “same” by the end users of that script. So what we are saying is that if my example dot another TLD is similar to a variant of the other TLD which is delegated, then from an end user perspective, it may still be through a transitive sort of relationship be confused that—and even if that variant TLD is not delegated, the original one, through a transitive relationship, an end user may still confuse the two domain names as similar because one is similar to a variant which is the same as the one which is another one which is delegated. So, because of that, irrespective of whether an allocatable variant is allocatable or blocked, whether it’s allocated and delegated or not delegated, from an end user perspective, that confusion actually could exist if two similar strings are within a DNS space. And I think that was the motivation behind the staff report saying that the most conservative mechanism should be taken. Thank you. I’ll stop there.

DONNA AUSTIN: Thanks, Sarmad. Justine?

JUSTINE CHEW: Thanks, Donna. I may have missed this, but I believe Zuan Zhang also submitted something by e-mail. So I don’t know whether you’ve invited him to speak and he’s declined. Could I just ask for that clarification, please? Thank you.

DONNA AUSTIN: Yeah. Thanks, Justine. I had not. That was an oversight on my part. Zuan, if you wanted to speak to your e-mail—and it came in late so I apologize, it wasn't on the slide—but if you wanted to speak to your e-mail. Ariel, if he could pull that up so that we can—

ZUAN ZHANG: Hi, this is Zuan.

DONNA AUSTIN: Hi, Zuan. Welcome. Did you want to speak to your e-mail? Apologies for not calling you earlier.

ZUAN ZHANG: First of all, my apologies for posting my response very late so much less time for everybody to check my response. My preference would be to be simple. My preference would be a combination of Level 1 and Level 3. Let me explain why.

For string similarity review, there are two things to compare. Let's limit A and B. So since it includes variants, so I may call it Set A and Set B. Set A is the string we would like to compare. Set B is the strings that are compared against. So with my preference, Set A refers to primary plus only requesting allocatable variants. That's the definition in Level 1. For Set B, I may refer to what is mentioned in Level 3. So my response is about a combination of the two levels. First of all, in Level 3, Set A, it includes blocked variants. In my opinion, some variants are blocked for whatever the reason, there's no need to compare, the blocked variants with

any variant. So for Level 3, it would not be considered. So I would go to Level 1 and Level 2. For Level 1, it's simple. Only requested variants would be compared. But like Michael mentioned, if there is an applicant request to activate another variant or other variants, variants in intra, not in the same round, so there are problems with Level 2 because it's the applicant's option to decide when to crack activation of a variant.

So I think that's the core of the problem. Whether we allow applicants to request activation of variants in a certain round or later in the future, I think that's the key as a question. So if we allow applicants to request activation in future, then Level 2, they should not be considered as something is uncertain because some [inaudible] may request activation in the future. So for Set A, I may choose Level 1, but when we compare to [inaudible] to avoid user confusion. So, I think that we should focus on Set B. It's the Set B that can decide what is similar or is not.

So, to keep the maximum conservative principle, I think that the Level 3 is the best. So, my preference is a combination of Set A of Level 1 and Set B of Level 3. Again, I will repeat that. For my preference, my personal preference, the key is the problem that whether request of activation of variants is allowed in a specific round or in future rounds. That's the key. I hope I made myself clear as a non-native speaker. So, that's my preference. Thank you. Thank you.

DONNA AUSTIN:

Thank you very much, Zuan. A lot of thought has obviously gone into what you're proposing there, and unfortunately—well, not

unfortunately, it may take folks a little bit of time to digest and have an opportunity to read, but I appreciate the thought that has gone into your e-mail and also speaking to it here on the call. It also introduces another proposal for how we could potentially look at this. So we'll need to unpack that a little bit.

So we have a queue. I'm going to go to Jeff. I'm assuming, Jeff, that you haven't had a chance to speak. So I'm assuming this will be your opportunity to state your preference for Level 1, 2, or 3, or are we to questions of others?

JEFF NEUMAN:

I think everyone knows my preference because it's been stated at previous meetings. The reason I wanted to speak was just to ask a question. Sorry, I should also preface that I represent the IPC, right? So the confusing similarity has always been about only visual similarity, it's never been about meaning, it's never been about anything other than visual similarity. So applying that principle, I think the maximum conservative approach is not consistent with how we've always approached these things. In other words, if there's variants that look alike or that are visually the same or similar, then that would be no different than any other evaluation.

The hard part about this is I'm trying to understand what an example would look like where variants look nothing like where they wouldn't be visually similar. In that case, I'm trying to understand why is that any different than two strings that have the same meaning in any language that don't look alike. We allow it in every other situation but why are we defining similarity different in

the variant context? So I think the problem here is we only see these levels without actual examples and I think it's very hard to do that and trying to imagine it.

I see some things in the chat. So I'd love an answer as to why variants that look nothing like each other deserve added protections or protections that we don't give to words or things that mean the exact same thing in any other language.

DONNA AUSTIN:

Thanks, Jeff. I tend to agree that this is really hard to think through without actual examples, just to take it step by step and understand the consequence or even the process. So I take your point that this is difficult to do. It's a theoretical exercise.

JEFF NEUMAN:

But also, why is a variant situation where they don't look anything alike any different than we treat two words in any language that mean the exact same thing? And we don't block those—car, auto—why do we have to block variants? And not just block but prevent anyone from applying for anything that's visually similar to a variant that's never been allocated that may be allocated simply because it has a variant that may be similar. To me, it just seems very inconsistent as to what the overall principle is. I think we're defining confusing similarity different in the variant context than in any other context. As an IP owner, I would love blocking all things that mean the same thing.

DONNA AUSTIN: But isn't there a distinction here, Jeff, that acknowledging—we're talking about a TLD with a variant set here. So we've acknowledged through our conversations already that there is a primary and variants that make up a set? So haven't we already kind of acknowledged that the treatment of IDNs and their variants will be different?

JEFF NEUMAN: We've said that they are reserved for the same entity or at least that's where I think we're all at.

DONNA AUSTIN: I think so.

JEFF NEUMAN: But when you take it to the next level, which is that someone applies for a string that may have a variant that may be visually similar to a variant of an existing TLD, let's say, where that variant to the existing TLD looks nothing like the actual TLD that's allocated, that to me is taking it to such a different level that it's apples and oranges at that point. If we were talking about someone who applied for a TLD that is similar to an allocated variant, well, that's the normal situation, then we can say no. But now we're talking about something that may be similar to a variant that has not been allocated, and even if it were allocated, it looks nothing like the string—sorry, I should say even if it were allocated—because it hasn't been allocated and it looks nothing like the original string, the confusion there is now mixing apples

and oranges. Now we're basically saying it's based on meaning and not visual.

DONNA AUSTIN:

Okay, noted. I think Sarmad might have his hand up to respond, but I might go to Satish and Michael and then come to Sarmad. I think we've noted your points, Jeff. We'll see if we can find a way through this. Satish?

SATISH BABU:

Thanks, Donna. This is about the ALAC consensus position. Personally, in the last meeting, I was a supporter of Level 3, given the fact that it is the most conservative, and therefore, perhaps the most optimal for all stakeholders including end users that Sarmad just mentioned. However, after the last meeting, we had a bunch of discussions within our team and we decided to go for Level 2 as a consensus. Hadia's submission this morning actually reports this right in the beginning of the mail. But this primary preference was not captured in the slide. So I wanted to highlight that we did have a primary preference and that is Level 2.

Secondly, it may be better to record this as an interim position, as you'd like to have more discussion throughout for clarity, especially about the clear trade-offs between the three levels vis-à-vis string similarity. And finally, I very much support developing some examples that illustrate these issues. Thank you.

DONNA AUSTIN:

Thanks, Satish. Absolutely, what we're discussing here and where we get to at the end of today's conversation isn't going to be final-final because we appreciate that even with the positions that have been expressed, they are conditional. And I don't think we'll be in a position here to say we've reached agreement, but we might be in a position where we've agreed on some certain basic elements. But I don't know that we're in a position. We may be a long way from being in a position to kind of wrap this up, but at least we're having a conversation about some of the dependencies or what people's thinking is contingent upon. So we're just trying to flesh this out. Because as we acknowledged last week, this is difficult, so we will take the time we need to try to sort through this. So Michael then Sarmad.

MICHAEL BAULAND:

Thanks. I actually wanted to respond to something Sarmad said already a while ago, but if I understood him correctly, he was referring to an example. If we look at the screen right now and we just look at P2 and P3, with P3 having P3v1 as a blocked variant, I think that Sarmad was referring to a case where P2 would be visually confusable to P3v1 but P2 and P3 would not be visually confusable. His argument was that in that case, P2 and P3 should block each other because a variant of P3 is confusingly similar to P2. But I think because P2 and P3 are not confusingly similar, I see no reason to block this case. And that's actually what I tried to say in my e-mail and which I put here too. That's the reason why I think Level 3 is overkill it and it's not really necessary. Thanks.

DONNA AUSTIN: Thanks, Michael. Sarmad?

SARMAD HUSSAIN: Thank you, Donna. I just want you to give not a concrete example but a potential example in this case, following Jeff's comment. So if you look at or take up Chinese, Chinese have the simplified Chinese version and the traditional Chinese version. Generally there are allocatable variants between simplified and traditional Chinese. In many cases, in most cases, the simplified Chinese and the traditional Chinese are not visually same or directly visually quite distinct. So the case would be that suppose if an Applicant A applies for a simplified Chinese version, let's say a single character TLD, and that simplified Chinese has a traditional version which is not visually the same. But from an end user's perspective, the traditional Chinese is considered, of course, the same as a simplified Chinese version.

So, in this particular case, the Applicant A has not applied for the traditional one, only the simplified version. Applicant B applies for a traditional Chinese character, which is somehow considered very similar visually to the traditional variant of the variant of the simplified character applied by Applicant A. So if the comparison is not done between the variants and only between the applied-for strings, then there is a possibility that both Applicant A and Applicant B strings will be allocated because they're not visually similar, because one is simplified and one is traditional. But applicant B's traditional string is visually almost identical to the traditional simplified string from Applicant A. And therefore, the end users can get very confused with seeing the traditional version and they can consider that okay, the simplified version is

the same as a simplified version, and therefore, not just the TLDs but all the second level strings under those two TLDs will get confusing. That's sort of the amplification impact of confusing TLDs, right, because if two TLDs become confusing then all registrations which are the same under the two TLDs actually become confusing. So it has a much more significant impact. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Jeff?

JEFF NEUMAN: Yeah. I would love it if you were able to somehow put Ariel's example in the chat on the screen because this is actually sort of proving my point in the sense that—is there any way to put those characters up on the screen?

DONNA AUSTIN: Give her a couple of minutes, Jeff.

JEFF NEUMAN: Yeah. Okay. So the reason is, because what we're talking about is if someone—oh, perfect. So which two, Ariel, did you have?

ARIEL LIANG: This is not what I have but I can explain it. So if you look at the middle column and the third one, the left side of the equation is the traditional Chinese and the right side is the simplified. Actually,

let's just look at the second column. That's the one I chose—yeah, equivalent.

JEFF NEUMAN: Awesome. Okay. So let's say in that first line, someone has applied for and is allocated, that first example character in that first line. And they don't have the simplified—you say the traditional was on the left and simplified on the right, or the other way around?

ARIEL LIANG: Yes.

JEFF NEUMAN: Okay, cool. So let's say then that someone applies for a string that happens to be visually similar to the right side character, the simplified character, which has not been allocated. Let's say that visually similar one has a completely different meaning. I don't even know if there's an example we can actually do. I still don't understand why we need to assume that that first registry has some automatic right to in the future have that simplified version delegated number one. Because if that's not delegated, then who cares if someone applies for something that's visually similar to the one on the right because it's not the one on the right that's actually been delegated? So I don't understand what the confusion is. The confusion is that, oh, someone's applying for something that may mean the same thing to something that's allocated but not something that is visually similar to the actual allocated string. I think we're doing it different. We're doing a very

different analysis, which is inconsistent with how the way we treat everything in other languages.

DONNA AUSTIN:

So I want to go back to Michael and ALAC had preferences for Level 1 and Level 2 but it's based on there's other things we need to resolve. So just a question for this group. If we reached an agreement on whether when you apply for the IDN gTLD and you identify the variants that you want to apply for at the same time that is done in a round, does that overcome any of the challenges that we're talking about here? And in my head—and it could be different in other people's heads—but what that means is we're only dealing with the situation of what's been applied for in that round. I know that we've got a different suggestion from [inaudible] about having a different way to look at this, but I'm just wondering if some of the conversation we're having, if we reach an agreement on whether variants can be applied for in rounds, rather than the option to apply in between rounds as well, whether that overcomes some of the issue we're talking about here. So I don't know. But I'm just wondering whether how does that help the conversation, if at all? Just sitting here doesn't solve the problem. I'm going to go to Edmon and then come back to Jeff. Jeff, you've got a new hand, I'm not sure.

EDMON CHUNG:

Thank you. I think the question is probably a little bit confused, we'll be thinking about that. The way that we should probably think about activation of variants is more like updating name server or changing backend. That should be able to be updated by the

registry operator at any particular time. So changing backend would require some certain technical checks, so does updating name servers, right? So I think that's more akin to activation of variants. To think about it, to have to allocate in different rounds is probably not a good starting point.

As to the problem that we're talking about, again, I apologize. This particular meeting, I have been distracted quite a little bit. But I think I do agree that we definitely should look at actual examples and so on. I appreciate the examples put out by Ariel. But probably, we should design some examples that actually address these issues more visually. And yeah. So I'm half putting my hand up to say maybe a small group should go out and try to put some examples together. I think the traditional and simplified Chinese group will probably be most useful in thinking about this, given the amount of allocatable variants that are possible. Again, I apologize. I am a little bit distracted. I think this is a very important discussion and hopefully this is useful.

DONNA AUSTIN:

Thanks, Edmon. I certainly agree. It's a very important discussion. What I'm going to suggest is I'm going to ask staff to put out a Doodle poll or an e-mail to see if we can get that small group together to work on examples, but I want to do it in the next week or two, if we can. So what we might do is put out an e-mail just saying we want to set up a small group to develop some examples. Also maybe put out a Doodle poll at the same time to see if we can reach agreement on a time for that group to get together. Because I think identifying an example and working that through the process or a number of examples would be certainly

very helpful to this conversation. So I've got Jeff and Hadia. Just a time check, we've got eight minutes to go for this call. So, Jeff and then Hadia.

JEFF NEUMAN:

Yeah. I agree with Edmon but only in part in terms of activating a variant. If you're activating a variant that you've already applied for or already indicated an interest for, then yeah, it should be just like a name server check or whatever. But I completely disagree with Edmon if it's a variant that you have not indicated in a round that it was something you were seeking. Because what we decided many weeks ago or I thought decided was that in response to the SSAC advice where they said that there should be a limit on the number of variants, we all I think agree that no, there's not an easy way to determine what a limit would be. So therefore, a registry would have to come forward during an application round and indicate that how it would manage the variants that it intends to manage and how it would educate end users and so on, and then ICANN can make a decision, the evaluators can make a decision, as to whether that can be managed and whether it's not too much, etc.

So, yes, allocating variants that you've already expressed an interest in an application for should be automatic, like just a switch or some technical test. But what we're talking about here is allocating variants that you have not previously indicated that you were interested in, and therefore have not previously demonstrated to ICANN that you can manage those additional variants. And therefore, it should only be in a round that you're

able to actually acquire those variants that you previously did not indicate an interest in.

That's the only way to be consistent with the SSAC with how we responded to the SSAC advice, because as I understand it, there are certain strings that may have hundreds of variants. And without applying a limit, which we said we weren't going to do, if we just made or allow the registry operator to flip a switch and allocate all hundreds of them, then we've completely disregarded the SSAC advice. So all that to say that a registry needs to come forward and indicate its interest in, not just the string but any variant it wishes to allocate so that an evaluation can take place as to whether the registry could handle it. Thanks.

DONNA AUSTIN: Right, which is why I posed the question earlier whether if we made a decision on what can be applied for within a round, would that overcome the problem?

JEFF NEUMAN: Sorry, Donna, I forgot to say on that point, no, because we're still talking about if someone in the subsequent round applies for a string that's visually similar to an existing TLD that's already been approved and allocated but they didn't express interest in one of those variants, and therefore, the round wouldn't necessarily solve that.

DONNA AUSTIN: Right. Okay. I'm just going to leave that there. Hadia, in the interest of time, we've got four minutes left. Hadia?

HADIA ELMINIAWI: Thank you. To answer your question now, applying between rounds or at specific rounds wouldn't solve any of the problems. However, if we go with Level 2, then applying between rounds makes sense because there would be no reason to wait for a round to apply if you go with Level 2. Thank you.

DONNA AUSTIN: Thanks, Hadia. Okay. So I think we'll draw a line under this conversation today. Michael has put a suggestion in chat that even though ICANN74 is a few weeks away, maybe it would be helpful to have a small team meet face to face in The Hague, if that's possible. I would at least like to understand who would be interested in working in the small group and see if we can kick something off in the meantime. And if there is interest in having a meeting face to face in The Hague, then we can pursue that as well.

So I think there is some urgency there as well. There's some urgency. I would like to get this small group together as soon as possible and get working on this. I don't think we're going to come back to this conversation until that small team has had a chance to meet and come up with some examples so we've got something practically to work from the next time we have the conversation.

All right. So thanks, everybody. I appreciate that folks took time to do some homework during the week and that helped the conversation here today. I do need to acknowledge that these conversations are probably taking longer than we anticipated back eight months ago when we did an assessment of how long these conversations would take. In terms of hours involved, I think we severely underestimated. So at some point, we are going to think about what does that mean in terms of the significant deadlines that we have for the initial report in particular and let the GNSO Council ... make them aware that we are behind schedule. Okay. So with that, thanks, everybody, again for the conversation today. Ariel has a hand up. Ariel?

ARIEL LIANG:

Just a quick reminder that we have the outreach letter to the GPs out in the mailing list and we hope to hear your feedback, if any, by Friday. If not, we assume it's good to go, and then we'll send out to the GPs. That's related to the single character TLD question.

DONNA AUSTIN:

Thanks, Ariel. So folks can take a look at that. We do need to get that communication moving because, again, of the timing issue. All right, thanks, everybody. We will talk to you in a week and we'll get something on the list about setting up that small group to come up with some examples to help us work through this difficult question that we have in front of us. 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.

[END OF TRANSCRIPTION]