
**ICANN Transcription
IDNs EPDP**

Thursday, 29 June 2023 at 12:00 UTC

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JULIE BISLAND: Okay, good morning, good afternoon, good evening, everyone. Welcome to the IDNs EPDP call taking place on Thursday, the 29th of June, 2023. All members and participants will be promoted to panelists. Observers will remain as an attendee and will have access to view chat only.

Statements of interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand or speak up now. Okay, all documentation and information can be found on the IDN's EPDP wiki space. Recordings will be posted shortly after the end of the call. Please remember to state your name before speaking for the transcript.

And as a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. Thank you. And over to our chair, Donna Austin. Please begin, Donna.

DONNA AUSTIN: Thanks very much, Julie, and welcome back, everybody. I hope you've all had a nice two-week break, although it doesn't really seem like two weeks ago. So we will do a little bit of revision of where we think we got to in terms of some preliminary agreement on the charter questions that we reviewed during ICANN 77.

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I also just want to touch a little bit on, as folks know, we had the initial report, the comment period closed on the 19th of October. So we do have, we have received all of our comments, I think. I don't think there's any others that we're waiting for. So we will, Ariel, I think you've got a little bit of a, just a high-level overview on a slide, but we're not going to go into any detail on the initial report, so we're not going to cover that today. But we will, once leadership's had a chance to have a look at the comments and just work out what our plan of attack is going to be, I suppose, I think from my initial reading of it is there are a couple of comments that will mean that we have to review or revisit some of our recommendations and just see whether they still hold or whether we need to change the recommendations or not. But we'll come back to that in the next couple of weeks or so.

We also, one of the other things that we'll have to do in the next couple of weeks as well is just go back to the council with a revised timeline on our work, because that's something that we promised, said that we would do once we had the phase one initial report, which would give us a sense of how much time we're going to need to review the public comments and get the final report out. So that's something that we'll be doing in the next couple of weeks, in a couple of weeks as well.

So I think with that, Ariel, we're just going to hand it over to you to run us through just the preliminary agreement. All we're trying to do is just if folks can take themselves back two weeks and just refresh their memory on some of the agreements that we had during the last two weeks, during the ICANN 77. So once we have that preliminary agreement worked out, we can then go ahead and develop the recommendation language. So that's what we want to get into today. So Ariel, can I hand it over to you?

ARIEL LIANG: Yes, Donna, and if you don't mind, I have a two reminders for the group, administrative matters. So the first reminder is you probably saw an email from Terri about selecting the potential dates and weeks that may work for you for the face-to-face workshop, as that request has been accepted and ICANN Org is in process of organizing this workshop for us. The key factor is to understand which days would work the best. So the Doodle poll is out and actually it's a Google poll. The format is a little different

from the usual Doodle poll you see. Please make your selection by Friday next week. That's the first reminder.

And the second reminder is I sent individual emails for you guys to complete the survey for working group self-assessment and I think most of the people on this call have already completed and thank you very much for that. But for the folks that haven't, please make sure to complete that and that's a very important accountability measure for the GNSO council to understand how well we're progressing. So the deadline for the survey is EOB Monday next week. And thanks in advance for your help. So that's my two reminders very quickly. So Donna, do you want me to go through the public comment overview very quickly first?

DONNA AUSTIN: Yeah, just a quick overview. Thanks.

ARIEL LIANG: Okay. So we have received a total of 12 submissions, but it's from 10 commenters because one of the commenters, which is .Quebec, they submitted three public comments, but two of them are duplicative. So that's why we have only 10 commenters, but 12 submissions counted so far. And then two of the submissions are also late submissions. We received them from the public comment team from staff side and they're not posted on the public comment page, but they will be included in the summary report that staff is producing for the public comment results. And also we created a wiki page that will be circulated later and you will see all of the original comments. So those late commenters are also included there.

And staff did initial analysis of the nature of the comments because some of the commenters, they followed our format and selected their level of support or non-support or significant concerns, that kind of options for each recommendation, but some of them didn't and they submitted a general comment. But through reading their comment, staff made an initial assessment, whether they have objections or

significant concerns, etc. So I just want to provide you that caveat that not all of them followed our format. So we have to do some initial assessment on our side, but that's up to the group to decide whether that's a correct characterization of their comment.

So we have a total of 68 recommendations and 42 of them received comments. Of course, not all of them are very significant or substantive comments and some of them are editorial, but roughly two-third of our recommendations received comments. And then based on the staff assessment, about one-third of them, which is the 21 out of the 68 recommendations, have received some significant concerns or objections. So perhaps those are the ones that the group would be focusing on down the road.

And then staff also developed a public comment review tool, which we will share when the leadership team give us the green light, and that basically consolidate all of the comments using a Google spreadsheet format, and that will make it easier for the group to review all of the comments all together. So that's a quick overview on that.

And then I would just want to give a quick heads up on the topic area that higher concentration of comments was received. So for example these recommendations you probably are already familiar with, especially for recommendations 3.11 to 3.14. It's about the tiered application fee structure for variant applications. Those recommendations received quite a few comments from various commenters. And also there are comments regarding the adjustment to the registry agreement for existing registry operator once they get variant approved. So there are some comments on that as well. And then another related comment for the fee structure is about the ceiling value of delegated variant gTLDs. Those recommendations, which is 8.1, 8.2, that received some substantive comments as well. And finally, there's also the removal of delegated variant labels. And that one also has some comments, suggestions. S

o these are some topic areas that the group may want to focus on for the comments. But to be honest, just based on staff impression, it's not very surprising. These are the ones we think are potentially difficult or may receive some inputs from the community. So it's reflective of that initial thought.

And we also want to note some additional comments that the group may or may not focus on, but we want to kind of give a heads up on these. So as I mentioned earlier, .Quebec submitted three comments. And also there's another organization called Core Association. They submitted a comment that's related to .Quebec as well. So basically, they're raising a topic area the group hasn't considered before, is to create some kind of exception to this procedure to allow the eventual delegation of confusingly similar strains that are not exactly variant labels, according to RZLGR. So that's a topic area the group hasn't considered before, but it's actually a longstanding issue that perhaps many of you in the community are already aware. And then that's a topic we perhaps will need some guidance from the GNSO Council to understand whether it's within scope for the group to consider or not. So that's one quick heads up on that. And then .Quebec also raised some comments regarding the treatment of GeoTLD applications. And that's sort of related to the core proposal they're kind of proposing about the exception process. And so we can look at them together with that proposal.

And another development is from ICANN board side. During the ICANN 77, we heard that from the ICANN board workshop on the SubPro recommendations. Potentially the SubPro recommendations on the limited challenge and appeal mechanism may receive non-adoption from the ICANN board. And I understand this is not yet decided for sure yet, but there is this important development because it's related to one of our recommendations on the using the challenge mechanism for RZLGR implementation related issues. So that potentially can affect our recommendation for that aspect.

And then finally, another item we need to keep an eye on is the potential input we may receive from Chinese, Japanese, Korean generation panels. So far we haven't received a concrete input, but we do have a recommendation on single character TLD that basically kind of pending their input on whether a guideline could be developed for future evaluation of single character TLD applications. So we need to keep an eye on that one. And once the input received, we'll see whether any adjustment is needed for that recommendation. So that's a quick overview on all these topic areas. And I will stop here and see whether there's any comments and questions.

EDMON CHUNG: I guess two things in response on the very comprehensive report from Ariel. One, and I guess I'm speaking now more on the Board liaison level. One is the note on allowing potentially confusingly similar strings to be allocated in the .Quebec situation. I think we should take a little bit of discussion on it. But this might be a little bit beyond the scope of the IDN working group here because it actually addresses something broader. And I think Ariel kind of alluded to it as well. I would highlight that part. Because even for the plural, singular, for example, that touches on that particular issue as well. So that's one thing.

The other thing is, yes, I think Ariel highlighted the part that it seems like the latest board discussion, at least at this point, is the appeals process is in question. And some of the discussions that we had in this working group actually somewhat depends or builds on that process. So as that develops, it does have an implication to this group. So I think I just wanted to, I guess, highlight those two points from what Ariel reported.

DONNA AUSTIN: Yeah, thanks, Edmon. You know, from a leadership perspective, particularly on the .Quebec comments, we it's our view that what's being requested is out of scope of what we're being asked to do here in terms of our charter questions. So I think our plan is that we will be highlighting the comments for the GNSO council and just seeking guidance on whether they want us to take this up or whether it's something that should be handled by somebody else. You know, it's not that we necessarily want to want to push it away. We understand that it's a real issue, but we're just not confident that it's our problem to solve. So that's why we'll be seeking some guidance from the GNSO council. And thanks for confirming whether the board is discussing SubPro recommendation and may impact some of that work as well. Okay. So with that, I think Ariel, back to you and we'll see if we can tack our minds back to two weeks ago and agree on where we think we landed from the discussion two weeks ago. And also I'd just personally like to thank everybody for turning up to every session where they could. I think it really

was helpful to have so much face-to-face time while we were in DC. So thanks everybody for your contribution. So Ariel, over to you.

ARIEL LIANG: Thanks, Donna, and thanks, Edmon, for the input as well. So I should have mentioned in the first slide for this section is out of the 19 phase two charter questions, the group has completed initial deliberation for eight out of the 19. We're doing really well. And also the first eight questions are presumably the one of the hardest. So, we have made really good progress. So, eight out of 19 and almost half done.

And then the way I tried to capture our preliminary agreement is based on the cluster of charter questions that are related to each other. So the first group is about IDN table harmonization, which is C4, C5 and C6. So C4 is the core question whether they should be harmonized and then C5 is asking about the specific mechanism for harmonization. There are some staff paper suggested methods and C6 is also about the mechanism for harmonization but holding on the LGR formats as a mechanism for the IDN tables.

So below is the preliminary agreement. Staff tried to capture and summarize and of course the language is not in the recommendation language format, but we try to write it in a way we can develop recommendation language later. So the first recommendation is all of the IDN tables for a gTLD and its variant gTLDs must be harmonized. And this means that these IDN tables must produce a consistent variant domain set for any second level label requested to be registered under a given gTLD or its variant gTLD if applicable. And also you see these two phrases are [inaudible] harmonized and variant domain set. That's potential terms to be defined or explained in the glossary. So we try to identify these terms along the way.

And then the bullet point under this first agreement is this requirement applies to both existing IDN tables already implemented by existing registry operators and future IDN tables to be submitted to ICANN Org for review and approval. And here in terms of the subject of submitting future tables, we put existing and

future registry operators as well as new gTLD applicants. Maybe it's not very precise, but we just try to identify who will submit IDN tables. You know, without the new gTLD applicants, that will be an important group that will submit future IDN tables and they need to be sure to harmonize them. So we identified that. But we welcome the group's input on this language. So that's the first agreement.

And then the second agreement for harmonization is that existing and future registry operators as well as new gTLD applicants should determine the appropriate mechanism to harmonize their IDN tables. So basically, this group is not going to recommend a specific mechanism. It's up to those entities to decide. So that's the preliminary agreements we captured for harmonization. And I will stop here and see whether any comments, questions, or inputs from the group.

DONNA AUSTIN: Thanks, Ariel. And I guess we will share this with the team afterwards. And I appreciate that you haven't seen this language before. So it's always a little bit tricky to read on the screen and try to remember what we're talking about. But if there's anything that stands out to anyone as perhaps not being accurate or correct, then it would be good to know that now. One thing that's a question that I have for, I guess, our registries and registrars on the call is that the second sub bullet about future IDN tables. So I wonder when an application for a gTLD is submitted, was it the case in 2012 that IDN tables had to be submitted at the same time? Or was that something that was done at contracting phase? Does anyone remember? Michael?

MICHAEL BAULAND: It's actually kind of both. During the application process, you had to submit the IDN tables you want to use. I'm quite sure that they were included in the application. But afterwards, you were still free to apply for new tables in case you said like, at first it's just Latin, but now we also want to go to the Russian Cyrillic market or whatever. Thanks.

DONNA AUSTIN: Okay, great. Thanks, Michael. And Maxim saying at the same time, it's part of the application. So that's good. So I think the way that it's reflected there is accurate. Okay, so any other any comments from folks on this one? Okay, I'm not seeing any hands. So I think we can move on.

ARIEL LIANG: Okay, sounds good. And thanks, Michael and Maxim for the input. And the next group of questions is about the same entity principle, which is a C1 and C2. So C1 is asking about whether same entity requirement should be extended to existing second level labels, because SubPro already has a recommendation confirming that going forward for future second level labels, same entity requirement needs to be applied. So we're asking about existing. And then C2 actually has two parts. One part is about whether the same entity definition is same registrant at the second level. And the second part is about the activation of second level variant labels by registry operators, whether it's affected by the same entity requirement.

So that's a recap of the two charter questions. And we captured three preliminary agreements here. The first one is that an allocatable variant domain of an existing domain can only be allocated to the same registrant of the existing domain or withheld for possible allocation to that registrant. So basically affirming that the same entity requirement also extends to existing variant domains. And the bullet point underneath is to basically try to explain the variant domain, but we will probably incorporate this in the glossary. So it refers to second level variant label that arises from a registration based on IDN table under a gTLD and its allocatable GTLD at the top level, if applicable. So if you look at the example in the bracket, it shows it's not only variant at the second level, but also variant at the top level. So you have to look at both levels together. And those are the variant domain. So that's a first agreement and some additional notes for that.

The second agreement says the variant domains that are already registered to different registrants before the policy effective date of the affirmations recommendations must be grandfathered. So this is not going to be the official recommendation language. But what we're trying to say is that right now we have a set of recommendations related to IDN table harmonization. And then we also have a recommendation about same entity requirements.

So for this policy, once they become effective, then the existing registrations that already exist, they will be grandfathered. So it basically talks about that scenario. So that's the second agreement we captured. And just to finish up this slide, the third agreement we captured is that unless and until only one registrant and one sponsor registrar remains for the grandfather domains from a variant domain set, activation of any allocatable domains from the variant domain set is not allowed. So that's just to prevent the expansion of potentially need to be grandfather domains so that disallow activation. And that also applies to reactivation of these grandfathered domain until and unless only one registrant remains. So that's the three agreements we captured under C1 and C2 and I will stop here, see whether there's any input from the group.

DONNA AUSTIN: Okay, so Dennis is saying it sounds consistent with that deliberations and Satish and Michael are a plus one on that. So I think we're good, Ariel.

ARIEL LIANG: Thanks for confirming, Dennis, Satish, Michael, and Nitin as well. Yeah, thanks, everybody. And finally, this slide is a little long, but this is the chart of questions that we deliberated on during ICANN 77. That's about a domain name lifecycle, which includes three questions here. It's a D4, D6, and D7. So D4 is the core question. Basically, it's asking whether the variant domains should behave as one unit or they can have their own independent domain name lifecycle. And D6 is related to transfer policy. But really, it's just about the transfer aspect of the domain name lifecycle. And then D7 is about suspension.

So D6 and D7 basically kind of merged into D4. So that's the quick refresher of the three questions. We captured three agreements as well.

So the first agreement is the source domain must be identified between the registrant and the sponsoring registrar for calculating the variant domain set and determining the variant domains that are allocatable or blocked in accordance with the harmonized IDN tables for a given gTLD and its variant gTLDs, if applicable. So here we voted the term source domain. That's another term we probably will need to provide explanation in the glossary.

And the point I want to highlight here is in terms of who identified that, originally, my thought was the registrant. But then after some discussion with the leadership team, it's more nuanced than that. It probably has to be decided between the registrant and registrar because registrar may have their own policy and procedure to identify that. It's probably registrant doesn't even understand the source domain term. So they probably won't be able to identify that. So, but that's something to be sorted out between the registrant and registrar. So that's how I revised this agreement. And then there's a sub bullet under this agreement is that this requirement does not apply to the grandfathered variant domains. Because if those variant domains already have different registrants, it's going to be impractical to identify the source domain and also identifying source domain is to calculate the variant domain set and to allow potential activation of additional labels from that domain set. So if we disallow activation for the grandfathered domains, then this doesn't really need to be done for identifying source domain. So that's a bullet point under agreement one.

And agreement two is the same entity requirement must be adhered to in all stages of the domain name lifecycle. This means that each allocatable domain from a variant domain set is allowed to have a domain name lifecycle, which is independent to that of another allocatable domain from that variant domain set. So long as they are registered to the same registrant under the same sponsoring registrar were withheld for possible allocation to that registrant under the same sponsoring registrar.

So based on the ICANN 77 discussion, what we understood is that this is a core requirement that basically will, like one rule that rules it all. So we don't need to develop separate recommendations that are reflective of each stage of the domain name lifecycle. So just stick to the same entity rule, it will be okay. So that's the second agreement attempts to capture. And then we also remember that based on the discussion when we developed the draft text, we need to include implications in the rationale part. So what does that mean in terms of implementing same entity requirement that we can spell out the specific ramification for each stage of a domain name lifecycle and potential actions a domain could undertake. So that's the second agreement.

And then finally, the third agreement that we believe actually should be spelled out clearly is about transfer because that's a core element for same entity requirement. So we wrote here is in the event and inter-registrar transfer process is initiated either voluntarily or involuntarily for a domain, which belongs to a variant domain set, the process must encompass all of its variant domain, if any, at the same time.

And the way we wrote this third agreement is to emulate one of the preliminary recommendations at the top level. It's about the registry transition process. That's how we wrote that transfer of or transitioning of one gTLD must encompass the transition of the other gTLDs from that variant label set. So that's a similar way of writing this. But of course, in the rationale part, what we envision is we'll clearly spell out that this kind of transfer entails transferring to the same new registrant and same new registrar or something like that to that effect. So that's the three preliminary agreements we captured.

And then another thing I want to note is regarding the grandfathered domains, the group did have a lot of discussion about that and whether any specific recommendations should be developed. But based on our recollection is we don't have to develop specific recommendation. Even we did have a lot of discussion about transfer, but just to make sure we don't infringe on the existing rights of the registrants of existing domains. We do not provide some additional limitations in that respect. So that's why we didn't capture any preliminary agreement regarding grandfather domain for the domain name lifecycle aspect. So that's a recap of these agreements and I will stop here and see whether there is any comment.

DONNA AUSTIN: Dennis.

DENNIS TAN: Thank you, Donna. Thank you for this, Ariel. Just one reaction on number one. I think I understand the intent of this assumption of certain communication between registrant and registrar in terms of when variants is involved, what domain name should the registrant register first in order to ensure, make sure the registrant understands what is going to be the variant set and what is going to be the disposition values, right, and what is going to be allocatable, blocked, because we know variant relationships in terms of disposition is asymmetrical relationship.

So, I guess I know this is a shorthand of our conversations and this is not the policy recommendation language yet, but I'm just interested to see how this is going to play out. I mean, I do anticipate registrars will have to do a lot of education when variants are involved to the registrant potentially what's going to be registered and [inaudible] "Hey, you register this one, you will have the rights over this set and know the relationships."

But again, just want to be mindful of perhaps not be so restricted in the policy language when it comes out. So, but just [gave] me that reaction here. Thank you.

DONNA AUSTIN: Yeah, thanks, Dennis. And it was something that we appreciate is perhaps more nuanced than what we have in the agreement language. I think what we recognize in the discussion is that the source domain is essentially that the registration of the whatever the first domain in the set would be, but it doesn't necessarily mean that there has to that there would be a conversation between the registrant and the registrar around what the variant domain set would look like. The language isn't

necessarily perfect, but I think it captures where we're trying to get to. But I agree, we need to refine the language to be more accurate, I suppose. Dennis.

DENNIS TAN: Yeah, Donna. Thank you. Yeah, I agree. So I just wanted to note another one on number three, the inter-registrar transfer. This is what we talked about. I'm just curious if—And I'm not a lawyer and maybe we need to consult with lawyers in our end, and maybe ICANN org also chime in as well in terms of Initiated transfer, such as, for example, court order outside UDRP, URS, or what have you. So court order that is mandating a registry operator or registrar to transfer a domain name. And the court order does not acknowledge variants or any of the other domain names. It's exactly on one domain name. I'm just wondering whether acting beyond the court order because of the ICANN policy, that sets up the registry or registrar to legal action against them. Again, I'm just painting that picture. But I think we will need to discuss that, whether that's something that—it's uncharted territory for us. So I think it's worth a little bit more conversation.

DONNA AUSTIN: Okay, thanks. So probably what we need to do to capture that under three is just put an example around involuntary and highlight that where court orders come into play, there is going to be a potential tension between policy and the court order. So how do we deal with that. So if we could just capture that somehow as a sub point of three so that we can deal with it appropriately. Michael and then Edmon.

MICHAEL BAULAND: Two points. First, regarding the court order topic that Dennis raised. I think as long as the court order can be followed consistently with the rules, we have no problem. If they say one domain has to be transferred, as a consequence, the whole variant set will have to be transferred. That

should be fine. I think a problem could only arise if a court has some kind of agreement says like, oh, you fight over those domains, you get one domain and the other party gets the variant as a compromise, so to say. In that context, we might have a problem because either we break the court rules or we break the I can IDN rules. We might have to think about that.

The second point was regarding the source domain and I just want to ask the question whether we should also decide or make a suggestion whether this source domain might be changed in the life cycle of a domain. We already said that in the TLD context it's not possible to say now I want this TLD to be the primary TLD, but in the second level context, this might be possible. And I'm wondering whether we have to say anything about that at all, or whether this is just out of scope and this can be registry policy or registrar policy and we don't have to deal with that. Thanks.

DONNA AUSTIN: Thanks, Michael. Interested in thoughts from others about whether it matters with changing the source label. I kind of think we're just getting into edge cases and making life a little bit more difficult for us. Just on three, I wonder, I think I'm pretty sure registries have a provision in their registry agreement that local law trumps ICANN policy. But, and I assume that if there's a court order that is consistent with local law, so if you end up with a result that's inconsistent with ICANN policy, then I don't think there's a compliance action, but perhaps I'm wrong on that one. So we've got Edmon, Ariel and Maxim.

EDMON CHUNG: Yeah, thank you. And Edmon speaking here personally at this point. So I think, Donna, you just said what I want to say, but I'll add a little bit to it. So I guess when a registry and registrar have to implement this, they will have to comply with local laws. And if courts do certain things that they will probably have to comply.

But adding on top of this, I think we might be getting into too much of an edge case and trying to predict what the courts may or may not do. Because I guess the classic example would be even for English domains, you have the situation of capitalized versus non-capitalized. And that's a rule that's implemented, of course, in the technical layer, not the policy layer, but it's still a rule in the DNS. And you have a situation where like therapist.example and therapist.example, if the court views the rapist is the problem, they can't separate the rapist and therapist. So my view is that this is not an issue that we can solve here. But it might get us into a circular argument more than anything.

The second point I want to add is, in terms of source domain, I think the way that Ariel put it is quite correct. The registrant and the registrar needs to, as a collective or combination, determine the source or the primary. Because there are normalization and other preparations that need to take place between what the registrant types in into what is actually being registered. And that transformation to a valid U-label and then a valid Punycode is something that the registrar does on behalf, in some ways, of the registrant. So there is already some transformation between the registrant typing it into the registrar, submitting the domain for registration.

And finally, I think the question that Michael brought up is something that we definitely should think about, is that whether or not we need to say something about the possibility of changing the source label or the primary. I guess my gut reaction is that at least for—and I brought this up in terms of the grandfathering. When any domain is grandfathered, definitely it should not allow that. If it's not a grandfathered domain, it's a regular registered domain, the question then becomes, what if a domain was transferred and that now the recipient wants to use a different primary name? Even if we say that it shouldn't be allowed for someone who registered it, when it goes into transfer, it actually adds a level of complexity. I haven't thought through this yet, but I think Michael brought up a point that we definitely should touch on and maybe think through. Maybe the ultimate recommendation, as Michael said, is that this is a registry-level policy and we don't have to say anything about it, but at least we should touch on that topic.

DONNA AUSTIN: Thanks, Edmon. Ariel and then Maxim.

ARIEL LIANG: My intervention is also about point one. I saw that Justine had a comment in the chat about perhaps removing registrant and sponsoring registrar in the recommendation language, but include that in the rationale part. I just want to note that through some discussion with the GDS team and other ICANN work colleagues that are responsible for implementation, the subject for implementing a particular recommendation is very important to include that in the recommendation language. Otherwise, it's going to be uncertain who's responsible for doing what. That's why I just want to note this point. I think if the group can reach agreement on who's responsible for doing this agreement line of identifying source domain, the preference is to include that in the actual recommendation language itself.

For the second question I have for point one, I think the group discussed this, but I just want to ask again to make sure we are on the same page. The reason for top level we can't change the primary is because the RZLGR calculation is not symmetrical. If you use one primary label to calculate the set, it may be different from using another label from the set as the primary to calculate the set because the disposition value may not be symmetrical. That's the limitation of why changing the primary is not a very practical thing to do. I was just wondering for second level label for IDN tables, if you use any of the labels from the set to calculate the variant domain set, does that generate the same set and have the symmetrical relationship for allocatable and blocked, or it's not the case? I just want to ask that because I'm still not very clear about this point. Thanks.

DONNA AUSTIN: Thanks, Ariel. Good question. If anyone knows the answer to that, please put your hand up. I've got Maxim, Pitinan and then Dennis. Maxim?

MAXIM ALZOBA: Actually, first of all, we shouldn't use the English legal system as an example because it's precedence based. Not all world uses the same idea. The second thing, it's not a question if we like or not what court says. We have to obey because if you do not obey court orders, you have big issues, potentially including personal issues for the management and owners, shareholders.

So the reason why courts could make ruling similar to what they did many years in a row in the past is because courts usually look at the legal practice too. And if legal practice is full of examples, which are not necessarily compliant with new ideas of ICANN, guess what they do? It depends on the particular court. Some may look into ICANN ideas. Some may just rule in that we do as we do for many years. And thus, this legal body gets this string and that legal body gets the other string. That's it. Thanks

DONNA AUSTIN: Pitinan.

PITINAN KOOARMORNPATANA: Thank you. To respond to the second question Ariel asked on the symmetrical of the second level variant generation. So it's also possible that the IDN table could generate a symmetric variant set. So if we're starting from one level, it can generate different from if we start on another level. So just want to give this information. Thank you.

DONNA AUSTIN: Thanks, Pitinan. That's very helpful. Dennis?

DENNIS TAN: Thank you, Donna. So, yeah, I put a comment in the chat there in terms of changes to the source labels so that the composition doesn't change, the position value changes. I mean, the use case, right? Domain names exchange hands frequently. And so registrants, the new registrants might want to use it differently. And that includes the disposition value. And to Michael's question about TLDs, yes, that's true. But exchanging TLD hands is more complex where you have domain names already in operation. And those processes just not lend themselves to quickly changing something, right? A new registrant acquires a new domain name, probably is going to use it differently, right? Shuts down the whole services, website, email service, what have you, and sets up a new thing. That's not as easy in the TLD space. Again, right, because of the contracting requirements, the existing domain names already in the TLD, etc. Thank you.

DONNA AUSTIN: Thanks, Dennis. Michael?

MICHAEL BAULAND: I totally agree with what Dennis says. I just want to say that the argument why the source domain should be changeable by the registrar or registrant may need to be different from—if it's another owner, then the use case might change because that same argument could be applied for TLDs and there we don't want to change it. But I agree that the source domain should be changeable, but I wouldn't restrict this to only after a transfer because that would mean that if someone wants to change it, they would have to transfer this set. And if they actually want to stay with their registrar, they would have to transfer it once and then transfer it back again just to be able to change it. And that makes no sense in my view.

DONNA AUSTIN: Thanks, Michael. So can I, just for my own education, I suppose, when we ask the question, can the source domain be changed, is the reason we are asking that question because somebody has registered the domain name at the second level, when it's registered, it's part of the variant set. So that's the glue, I suppose. But then perhaps the registrant wants to register another label within that domain set. And is that the reason we're talking about changing the source domain? I guess I'm struggling with why we're asking the question. Michael?

MICHAEL BAULAND: Yes, I think the most common use case, at least I think it will be, is that if you have a domain and a variant and the source domain plus a variant, and at some point you just don't want to use the source domain anymore, but want to keep the variant. The only way to do this would be to make a variant source domain and because otherwise, if you delete the source domain, all variants would have to be deleted at the same time, right?

DONNA AUSTIN: Okay, thanks, Michael. So I think we probably have to think through a little bit if you've got—because it sounds like you've got an original source domain that had the variant set. And then the registrant decides that they don't want to use the source domain anymore, but they still want to use a domain within the variant set. So I think we need a whiteboard to just sort that out a little bit and whether we're asking the right question here. Because it doesn't matter. I take your point, Michael, that if you don't intend to maintain the registration of the source domain, then that could be a reason that you're looking for a different source domain. But if you had registered the source domain and another domain within the variant label set, then you still have the same entity principle. So if the source domain drops out you've still got the original variant label set. So it gets a bit tricky.

Okay. So we probably need to explore that a little bit more and have some visual aids to help us work through that and how important and whether it's actually relevant to what we're doing here. So I think we'll take that on and try to broaden it out a little bit.

Okay. So Michael saying the problem is, if you need to delete all of them and re-register with a different source domain, you might lose the whole registration because someone registers them before you. Therefore, I think you should be able to change the source domain. Okay. Alright, so if that's the case, then we need to work out a process or a recommendation to account for that. Ariel.

ARIEL LIANG: Thanks, Donna. And I was just reacting to Michael's comment because I wasn't sure I heard it correctly. Was Michael saying if the source domain gets deleted, then the other variant domains also must be deleted? Because when we discussed the domain name lifecycle, what we said is as long as the same entity requirement is adhered to, then they are allowed to have independent domain name lifecycle. So deletion of one domain shouldn't affect deletion of the others from the variant domain set. That also includes the source domain. So I wasn't sure whether what I understood was correct. So I just want to confirm that.

DONNA AUSTIN: Thanks, Ariel. So I think there's an assumption that once the source domain is registered that the other variants in the set will be registered as well as a domain name, but I don't think that's actually what would happen. Michael?

MICHAEL BAULAND: Just to quickly respond to Ariel's question. Yeah, that was what I was saying, because the problem is, if you delete the source domain, and you just keep the rest, you might end up with a situation where you have an inconsistent set in the sense of say you have domain ABC, A is the

source domain and B and C are variants, and you delete A, you could come up with a situation where neither B nor C would be allocatable variants of each other. And in that situation, A shouldn't be deletable without also deleting B and C or at least B or C or something along that line. Thanks.

DONNA AUSTIN: Okay, thanks, Michael. Okay, so I think we need some visual aid here to see if this happens and that happens and what's the consequence so that we can just try to get a visual of how all this sits together. So we're lucky we've got Ariel that's very good at providing us with visual representations of these things. So it's what happens if the source domain is deleted? What's the consequence of that? What's the consequence if the registrar wants to change the source domain? So I think we've got a few scenarios we need to flesh out a little bit here. But in essence I think we've got a preliminary agreement on one but we just need to hash out a few scenarios associated with the source domain. Okay. I think we can move on, Ariel.

ARIEL LIANG: Okay, sounds good. We'll have some work to do to flesh out that point and I just want to remind folks that at the top level we do have a recommendation about if the primary label at the top level is removed, then the entire set have to go. So we do have that and then maybe we can see whether any parallel is needed for the second level as well but we need to study this.

So this slide is basically capturing the potential terms that we kind of came across when drafting the preliminary agreement and then those are the terms that we may need to define or explain the meaning in the glossary so just want to run through this with the team. We mentioned already harmonization IDN table, and then inter-registrar transfer, because I think during the discussion what we understood is when we talk about transfer in the general sense is about inter-registrar transfer not really inter-registrant because that's kind of like an update. So here we probably want to confirm that in the glossary. And then same entity. So we do have that term defined in the initial report for phase one but that's the top level

definition but then for second level and also second level top level together for the variant domain context we probably have to provide another meaning for same entity what that implies. And then of course a source domain, that's an important term this group comes up with and we should include that in the glossary. And then registrant, I think you know we're talking about second level here, that's an important entity we have to kind of highlight and explain. And finally, variant domain set, that's a new term that the group came up with. So that's basically taking into consideration variant at both second and top level that kind of become a variant domain set.

So these are the terms we come across and happy to hear if you spot any additional terms that we also should include in the glossary. I'm sure we will come across new ones as we go along with our deliberation of the other charter questions. So this is going to be an iterative process. And I will stop here.

DONNA AUSTIN: Thanks, Ariel. So Michael is suggesting that we might want to add disposition value, as we probably need it in the context of source domain.

ARIEL LIANG: Sounds good. We noted that.

DONNA AUSTIN: Okay, thanks, Ariel.

ARIEL LIANG: So that's the last slide for the preliminary agreement, and then we understood there's still some point about the deletion of the source domain, we need to flesh out and then perhaps we can come back to that later on after some research and study of that.

DONNA AUSTIN: Yeah. Great.

ARIEL LIANG: And Donna, are you okay if we move on to the next one, which is the one last charter question we slated for ICANN 77 but didn't get a chance to close, which is C4A?

DONNA AUSTIN: Okay, let's keep going.

ARIEL LIANG: Okay, sounds good. So, C4A is a charter question that actually we put it under C4, I believe it's harmonization, but actually after some further review, we think this kind of sounds more like a sub question of D4, which is about domain name lifecycle. And that's why we're talking about this charter question after we finish initial deliberation of domain name lifecycle related questions. So I'll just read the text of the question.

The SubPro PDP and the staff paper recommend that the set of allocatable or activated second-level labels may not be identical across the activated IDN variant TLDs, meaning their behavior, disposition, can be different. Under the condition above, may the set of allocatable or activated second-level variant labels not behave identically under an individual TLD which does not have any variant TLD label.

So this question seems a little convoluted in terms of the wording. But basically, there's already a SubPro recommendation, which is 25.8 that I will introduce next that already covered the behavior aspect. And then this question is specifically asking about the variant domains that only have variants at the second level, but at the top level there's only one single gTLD and there's no variant. And then should those kind of variant domains have the same behavior or not. So that's what this question is asking.

So this slide goes through some context of C4A. This is the first part, is to talk about SubPro recommendation 25.8 which is referenced by this charter question. So what SubPro 25.8 says second level labels derived from recommendation 25.6 or recommendation 25.7 are not required to act, behave, or be perceived as identical. So the 25.6 and 25.7 basically talk about the variant domains that derived from the IDN table offered under a gTLD or its variant gTLDs. So it's basically talking about the variant domains. So SubPro already said they're not required to act, behave, or be perceived as identical.

And here we also want to provide additional notes in terms of act, behave, or perceive as identical. This really means the usage of the variant domains is not required to be the same. So it means they can point to different websites and the website can contain different content. This is what we understood what SubPro recommendation is talking about. It's the usage of the variant domains. They do not need to be the same.

And then also this second part, what's the recommendation 25.6 and 25.7, what are the labels that these recommendations are referring to? So basically they're referring to a given second level label under any allocated variant TLD. So that's one type of scenario. So if you look at the second level, they're all the same. It's S1, S1, S1. But at the top level, there are variant domains. So T1, T1B1, T1B2. So top level, there are variants, but second level remain the same.

So that's one type of variant domain. And then the second type is not only the top level, there are variants. At the second level, there are variants as well. So if you look at the example, it's C1T1, C1T1B1, C1B1T1, C1B1T1B1. So you will see there are variants at both levels. And then these are the variant domains as well. So that's what the SubPro recommendation 25.6 and 25.7 are referring to.

And then here is some rationale that explaining the SubPro recommendation. The reason they believe those variant domains do not need to have the same usage is because first, ensuring that those variant domains behave the same is not found to be technically feasible in the DNS. That's from SSAC advice on that. I think SSAC has told us before that enforcing equivalence in the DNS is not technically feasible at present.

And then second, there are practical reasons for those variant domains not to have the same usage. And then SubPro cited example that simplified and traditional Chinese variant domains could have content on respective web pages that are available in simplified or traditional Chinese targeting the user community that use those versions of Chinese. And then that's one of the reasons you shouldn't force them to have the same usage because the website will serve different purpose and different community.

So that's the context for the SubPro recommendation that C4A was referring to. And now we're trying to simplify the C4A language and interpret what it is truly trying to ask, is basically asking, should the second level variant labels under a single TLD that does not have top level variant labels behave the same? So basically, we're talking about the second level variants, [inaudible] top level [inaudible] one single TLD. Should they have the same usage or not for such a variant domain? So that's what C4A was asking.

And I think the reason it was drafted is because in the drafting team, they thought there was a gap, perhaps, that SubPro recommendation didn't cover. So we want to make sure all the bases are covered. So that's what C4A is asking. And I see Michael had a note. I guess it should read S1, D1 or S1, D1. Oh, yes, you're correct. I think that was a typo here. Maybe I should fix it to make sure we're definitely on the same page here. Yes, thank you, Michael. So, yeah, if you look at example, the second level are variants, but the top level is the same.

So here is the discussion question for the group. The first question is, do you think the SubPro recommendation 25.8 already covered a scenario where a single TLD does not have variant labels at the top level, but has second level variant labels registered under it? So do you think, basically, the SubPro recommendation already covered what this trial question is asking? That's the first question. And second question is, if you do believe the SubPro recommendation already covered the scenario that we're asking, do you agree to affirm the SubPro recommendation that such variant domains should not be required to have the same usage? So that's two related questions. And I see Michael has his hand up, but I also saw Hadia, "I think SubPro recommendation already covered it." So I will stop here.

MICHAEL BAULAND: Yeah, I agree with Hadia. I do not think we should make a difference of why domain name is a variant of another domain name, whether it's due to the root zone LGR in the top level, or whether it's due to some second level IDN table. The variant set is a set of domain names, and I think the origin, what created that variant set is independent, and they all should behave in the same way independently of whether they are top level variant or second level variant. They're all variant domains. Thanks.

DONNA AUSTIN: Thanks, Michael. Any thoughts from anyone else? Okay. So it seems like that SubPro's got it covered. And we can just affirm recommendation 25.8. So Hadia is saying we could explicitly reiterate the recommendation, and Dennis has agreed we do not do not require identical behavior, variant TLDs or otherwise. So it seems that our approach here is just to affirm the SubPro recommendation 25.8. Okay, looks like that's where we are with that one, Ariel.

ARIEL LIANG: Thanks, everybody, for confirming. And so this is the fastest deliberation of a charter question ever, I think. And I just wonder, because [inaudible] didn't mention it, it's hard to say it explicitly, because we're talking about the scenario where only variants exist at the second level, but not the top. So I just want to confirm whether it's okay to basically write an answer to the charter question, but not develop a recommendation, because there's really no recommendation to develop, because SubPro already has the recommendation. So it's better not to duplicate that. But in the answer to the charter question, we can confirm our understanding. Basically, SubPro has covered this particular scenario. I just want to make sure the folks are okay with that approach.

DONNA AUSTIN: I think that's consistent with how we've handled a few of the other charter questions previously, that when we didn't have a recommendation, we just pretty much answered the question and said why there'd be no recommendation. So I think that's okay from a process perspective.

ARIEL LIANG: Sounds good. Thanks for confirming, Donna. So I think that's the last slide that's developed for today's meeting.

DONNA AUSTIN: Yay! Everyone gets 37 minutes back in their day, and I get to bed 37 minutes earlier. Alrighty, thanks for today, Ariel, and thanks, everybody, for your patience as we work through that. I'm not sure what we're going to be working on next week. We will have a leadership call early next week and sort that out and hopefully we'll try to let you know in advance. Okay, so I think that's it for this week, unless anyone has anything they wanted to raise. Don't forget, please fill out the survey if you can, about how we're going and also the Doodle poll about the face-to-face meeting. It's important that we get those two things done, so please take the time to do that. Alrighty, I think we can end the recording now, Julie.

JULIE BISLAND: Thank you, Donna. Thanks, everyone, for joining. This meeting is adjourned.

[END OF TRANSCRIPTION]