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## ICANN Transcription

### IDNs EPDP

**Thursday, 07 September 2023 at 12:00 UTC**

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP call taking place on Thursday, 7 September 2023 at 12:00 UTC.

All members and participants will be promoted to panelist. Observers will remain as an attendee and will have view access to chat only.

The 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. All documentation and information can be found on the IDNs EPDP wiki space. Recordings will be posted shortly after the end of the call.

Please remember to state your name before speaking for the transcript. As a reminder, those who take part in the ICANN

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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 very much, Devan. Welcome, everybody, to today's call. We are going to continue our way through the finalization of the Phase 1 recommendations. I don't have any updates this week so I guess I'll just hand it over to Ariel to get us started.

Oh, actually, Ariel sent me a little note here. Just a kind of status update on .quebec. You might recall that when we made our way through the public comments from the Phase 1 report, we agreed that comments that were submitted in relation to .quebec where we felt as a group we're outside the scope of what we're doing in this PDP, so we forwarded the comments on to Council for consideration. Ariel's reminded me that there was a brief discussion about it on the last Council call. The Council is reviewing a guidance statement on how they intend to handle .quebec comment. So we will await Council's feedback and see if they confirm that our thinking that it's outside our scope, and if that's the case, then it will be for Council to decide next step. So we'll keep you updated on that, but just a high level on where that is at the moment.

So with that, Ariel, I think I will hand it over to you. Folks, if we get through this quickly today, then that means we can end early. But of course that's not a sign that we're not going to give due consideration to conversations that we need to have along the

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way. So, Ariel, with that, I'll hand it back to you to kick us off again through the Phase 1 recommendations. Thanks.

ARIEL LIANG:

All right, that sounds good. Let me put the link in the chat. That's our document. One second. So we're going to pick up from where we left from last week's meeting. So we basically finished discussion up to 3.15. Just a reminder, we do need to work on three recommendations that it was a little difficult to complete some revision for. It's 3.5, 3.6, and 3.9. Excuse me. My voice is losing this morning. Sorry. So we will go back to these three recommendations very soon. Leadership and staff are working out some language. We do have a proposal for the group to consider today if time permitting.

So starting with 3.16 today. This recommendation really didn't have much change except for some minor things. First is global wording change. And just as a reminder, what it is, it's basically delete the mention of IDNs in the recommendation language just to be future proof. Because we don't know, maybe there's a possibility that RZ-LGR may be updated and ASCII strings can have allocatable variant labels as well. We don't know whether it's going to be that case in the future. But if that's the case, then our recommendation will still stand if we don't include IDN in the language.

Then there's some other wording update that was applied in many recommendations. It's that whenever we mention the existing gTLDs, we just say existing gTLDs. We don't say existing delegated gTLDs from the 2012 round, etc. Just to be also

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inclusive that we would talk about existing ones that are already delegated in the root zone. We don't limit that to 2012 round. So that was applied globally as well. So I will just mention it now, whenever we say global wording change, it means either of these two or both. So that's one change.

Then the second change is we made these bullet points into the numbering. That's kind of in line with another suggestion from public comment for another recommendation that had a lot of bullet points. And just to make it numbering list, it will make it easier for reference in the implementation phase in other kind of scenarios, it would just make it easier.

Then third update is we added a footnote here after 3.16.1. It's basically to explain about this term established institutions. Maybe some of you remember in the public comments, the Human Rights Working Party said we need to remove this phrase because some community may be disadvantaged by requiring them to provide such endorsement. And maybe they're not being recognized as a nation or something. I think it's along that line. But this is not IDN grouping advantage. This is from the AGB and also affirmed by the SubPro, the established institution, and there's some definition about that in the 2012 AGB. So I have included the footnote there from the 2012 AGB to explain what this means.

So, that's the extent of the updates for 3.16. Of course, similar update, especially if the wording change was applied in the rationale part and we also have a Public Comment Review section to summarize the public comments and why those updates were made. So that's it for 3.16. I will stop here and see whether there's any comment or a question from the group.

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DONNA AUSTIN: Thanks, Ariel. Any comments, concerns, support for this one? Nitin says it looks good. Satish says it seems fine. Hadia—it's good. Michael's good. I think we're okay to move on, Ariel.

ARIEL LIANG: All right. Thanks, folks, who provided comment in the chat. I appreciate that. Moving on to 3.17. This is recommendation related to the single character TLDs. In fact, we didn't receive any public comment on this recommendation except for some SubPro recommendation as written. But I did highlight the second part of this recommendation which talks about the group did ask the Chinese, Japanese, and Korean Generation Panels to develop guidelines or a prohibitive list for certain single character, Han character TLDs that should not be delegated as single character TLD. This is work that's ongoing. I know they do have some meetings about this and maybe there's some new movement that will be ready for sharing.

I see Sarmad has his hand up. Sarmad, please go ahead.

SARMAD HUSSAIN: Thank you, Ariel. Just stepping in to just update the working group on the discussion at this time within the Chinese, Japanese, and Korean Generation Panels. They have actually looked into this request. And I think currently where they are is they're saying that the effort they put in to the Root Zone LGR, basically development for C, J K in some ways is already reasonably conservative and they are of the opinion that that solution should probably work for

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the single character as well. So that's where their current thinking is. They're currently drafting a statement to that effect internally, and discussing. And if they all agree and sign off there on that statement, we will provide that statement back to the IDN EPDP team. So that's where we are. Thank you.

DONNA AUSTIN: Thanks for the updates, Sarmad. That's helpful.

ARIEL LIANG: So I just have some notes here that depend on what the official update is. I guess the three Generation Panels, we expect that some communications should be sent from them to the group, and depends on what that is, this part may or may not be changed. So for example, if they say there's no need for such guideline because RZ-LGR is already conservative and all of the characters should be able to be delegated as gTLDs, no matter whether single character or not, then we may need to reconsider whether this part is applicable so that it doesn't conflict with some SubPro recommendation on the same topic. So that's just my note about 3.17. We have to come back to this. If there's no question, Donna, should I just move on?

DONNA AUSTIN: Yes, please, Ariel.

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ARIEL LIANG: Okay. The next few, they're also not terrible. Basically, the update are very minor, 3.18 and 3.19, the only changes that we added, the New gTLD Program before "Reserved Names list" because this is the ICANN Org feedback that we need to make sure what we're referring to is the New gTLD Program Reserved Names and there are also Registry Reserved Names. So we want to be sure which one we're referring to. And then accordingly in the rationale, we also did similar update, but of course, every time you mentioned Reserved Name, you have to say New gTLD Program, it becomes so wordy. So I added this to say every time if you see this Reserved Names, it's referring to this one. Similarly, we did update the glossary list. I assume the group got a chance to review it too. So you can see a similar change has been made there. There's not much other than this. So that's all the updates we made for 3.18, 3.19. Then 3.20-21, we only received support recommendation as written from the public comment and no other comments so they stay the same. Any questions or comments for these four?

DONNA AUSTIN: Thanks, Ariel. We're okay with that addition of New gTLD Program and no other changes, exception of preliminary to final. Okay with Nitin.

ARIEL LIANG: Okay, sounds good.

DONNA AUSTIN: Nigel's good. Okay. Thank you.

ARIEL LIANG:

Thanks, everybody. Moving on. 3.22, for this recommendation, we didn't really receive any public comment specifically, but there is one part of this that may be changed because of a Board movement regarding some subset of SubPro PDP recommendations. There are depending recommendations that the Board hasn't adopted. But within that set, there are few recommendations that the Board may not adopt. So we're waiting for that final direction in terms of what the Board is doing, and one of these recommendations is about the limited challenge mechanism that was recommended by SubPro. The Board may issue no adoption to that recommendation. So if that happens, then we do need to tinker with the wording here a bit because we did mention this limited challenge mechanism is recommended by SubPro. But even if this recommendation is not adopted by the Board, we can still say for this particular scenario that applied-for label is regarded as invalid or blocked due to the wrong implementation of RZ-LGR. The applicant may still be able to invoke a limited challenge mechanism. It doesn't need to be the SubPro's limited challenge mechanism, but it can be [inaudible].

So we have noted in the comment, there's some suggestion from Justine in this comment section. So we probably don't need to review this now. When the Board issues its final determination for that SubPro recommendation, we can come back to this and see what is the applicable revision is needed for the recommendation language, as well as the rationale. So I'll just flag it's here for the group to remember and we may have to come back to this one.

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DONNA AUSTIN: Thanks, Ariel. So, Ariel, do you know whether the Board's working to a timeline on this? I'm just conscious that there's a possibility we may finish our work before the Board considers this topic. So that's something else we may need to take into account too, although it's not going to be a problem, I suppose. But do you have any sense of timing?

ARIEL LIANG: Actually, I'm not an expert in this one. I don't know whether Steve is able to talk. It's awfully early for him so I don't blame if he can't speak up. Oh, actually, he does want to talk. So I will defer to Steve for now.

DONNA AUSTIN: Okay. Thanks, Ariel. Thanks, Steve.

STEVE CHAN: Thanks, Ariel and Donna. This is Steve from staff. I don't have the precise timeline off the top of my head. But there's a Board workshop coming up this weekend, actually, and it will actually definitely be one of the topics of discussion. So I'll get an update from my colleagues if they talk about this specific item, and then also if there's a timeline determined. As this one was being discussed, kind of what you were just thinking of, Donna, that there's a timeline issue here, if this isn't resolved before we actually wrap up our final report. So I will definitely take a look out for that. Thanks.

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DONNA AUSTIN: Thanks very much, Steve. Okay. Thanks, Ariel. So I think we're okay to keep moving.

ARIEL LIANG: Okay, sounds good. Thanks, Steve, for the input and follow up. We're moving very fast, so hopefully people don't get bored. But getting bored is a good thing. It means we don't have much to do. So following up is 4.1 and 4.2 and 4.3. So these three recommendations are related to the string similarity review hybrid model. We did make some minor updates. Fortunately, there's no substantive updates we have to make. We thought these were some of the most difficult recommendations for the community to digest and understand. But it turned out, it wasn't terrible, I think, and we did receive a lot of support. So that's a great thing.

One update is, as I mentioned earlier, this list under 4.1 used to be a bullet list and now we changed that into the number list as suggested by I think ICANN Org to make this clearer or easier for referring to.

Then the second update is when we mentioned Reserved Names, we included the New gTLD Program before that. That's also an Org comment for another recommendation earlier, but it's the same thing that applied here.

The third update is that we removed this sentence in the brackets under 4.1.6. It's about two-character ASCII strings. So initially, we thought only in applied-for gTLD string is a two-character string will be compared against other two-character ASCII strings and other variant labels. But I believe there's also an Org comment on

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this one and saying if we do put this limitation there, it cannot account for, for example, some strings may be three characters, but it could still look confusingly similar to a two-character ASCII string. In that scenario, the String Similarity Review Panel won't be empowered to do that comparison. So removing this will potentially provide flexibility to the panel to consider comparison with two-character ASCII strings. Even though this is a bit different from what was written in the 2012 AGB, the group did believe this removal is acceptable and the hybrid model effectively already broaden the scope of string similarity review compared to the 2012 round. So removing this is not extreme.

So that's basically all the change. And a similar change was applied in 4.1.12 by removing this bracket. So that's all the change we got. Okay. Thanks, Sarmad. Please go ahead.

SARMAD HUSSAIN:

Thank you, Ariel. Just a small note that analyzing these, we found that perhaps there is another subcategory which doesn't need to be here but I'm just sharing for your information. There have been some gTLD applications which were applied in the 2012 round but they are still under process and not really finalized the process. Those we are assuming will actually also be covered perhaps under the first item, but in any case, but not in, for example, the fourth item. So I guess as an example, if there is a string which has been applied in the 2012 round and it's not been finalized yet, it's still in process. Then there is another string which is applied in the future round and it is found similar to that existing gTLD application from 2012 round, we are assuming that the 2012 one will prevail. So the new one will be put on hold until we get a

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decision on the earlier one, I guess. But I wanted to raise it here to see is that a reasonable way to proceed or do we need to do it in a certain other way? Thank you.

DONNA AUSTIN:

Thanks, Sarmad. Are you asking whether—just the assumption that the one that is still in process from the 2012 round will be assumed to have—I can't find the right word right now. I guess your question is whether we have to specifically spell it out in the recommendations or whether we can just assume—thank you, Justine—priority for the 2012 round, even though the string hasn't been processed or delegated yet. Justine? Hang on. Sarmad? Yeah, go ahead.

SARMAD HUSSAIN:

Just a quick comment. So I guess what we're saying is that in case they found similar, those two kinds of strings will not be put in a contention set, right?

DONNA AUSTIN:

As it currently stands, because we haven't explicitly called it out? Or is that—

SARMAD HUSSAIN:

I guess we're assuming that would be the case that if in process 2012 gTLD string is found similar to the new next round gTLD string, that does not really create a contention set, it will be considered as more like a first category as an existing gTLD

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where the new application will be put on hold, perhaps until we can solve the earlier application. And then if the earlier application proceeds, then the new string will of course be rejected. If the earlier application for some reason is closed, then the current one would proceed. Thank you.

DONNA AUSTIN:

Thanks, Sarmad. Thinking about this, it's not only for the 2012 round, but once this becomes policy, how do we account for strings in future rounds that have been applied for but haven't completed the processes towards delegation by the time that a next round kicks off? So I guess it would be helpful to specifically call this out in a recommendation because it's not just 2012, it's any future rounds as well.

Does that make sense to folks if we can develop some language around that? Satish is okay, and Dennis. Okay. All right. So I think, Ariel, we need to develop some language to account for that possibility.

ARIEL LIANG:

Yes. Thanks, Sarmad, for that intervention. I'm just trying to figure out where it would be appropriate to develop that language. 4.1 ... We're actually 4.4. That's the outcome of string similarity review. But I guess this is something we can discuss offline with the leadership team and figure out where that will be appropriate for incorporation.

Justine has a question in the chat for Sarmad.

SARMAD HUSSAIN: I haven't really done that analysis for all the recommendations. I was actually doing this for string similarity due to the AGB work. But sure, we can go and take a look. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Okay. The leadership team, we'll see if we can find ... We'll agree on where it's best to identify this as something that we need to capture and where to put it. Okay. Thanks, Ariel.

ARIEL LIANG: Okay. So we already finished 4.1. And 4.2 or 4.3, there's not much change at all. Basically, in 4.2, we did have some minor updates in the rationale portion of the recommendation, just saying that the String Similarity Review Panel has the discretion to decide what blocked variant labels should be omitted in the comparison, and that a blocked variant label can be from any category of strings that was mentioned in the hybrid model. It can be blocked variants of existing TLD or string requested as ccTLD or other gTLD applications and Reserved Names and two ASCII character. It can be any category of those strings blocked variant labels. So I just made it crystal clear in the rationale, and that was also something said from public comment. So you can probably take a look at in the document. It's too long, I'm not going to scroll back and make you dizzy. Actually, it's right here, page 43. But then for 4.2 and 4.3, the recommendations themselves didn't really change.

Moving now to 4.4, that's the outcome of string similarity review. We made some similar changes to replace the bullet point with the

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number list. Another change we made is that we added in 4.4.1, if a primary gTLD string or any of its variant label is confusingly similar to an existing gTLD, we added an existing ccTLD, New gTLD Programs Reserved Name, a two-character ASCII string, or any of the variant labels of affirmation categories of strings, then the entire variant label set cannot proceed. So we basically forgot about these two categories. If confusingly similarity is found with this category of strings, then the application is ineligible to proceed as well. So, we added this. It was an oversight when this recommendation was initially drafted. And of course, we point that this is still based on a hybrid model. We're not saying if a blocked variant label of applied-for string has been found confusingly similar to the blocked variant label of any of this category of strings, then it will be ineligible to proceed. That's not something it's allowed in the hybrid model. We have explained that, I believe, in either rationale or in the footnote. So that's the extent of change.

Sarmad, please go ahead.

SARMAD HUSSAIN:

Thank you. I also wanted to bring up one more point, I guess, in context of this. So as we have in process gTLD strings, we also have in process ccTLD strings. So they're also going to form contention sets because contention sets are formed within the applied-for gTLD strings. So in that case, what we're doing is we looked at the 2012 gTLD round AGB, and that basically gives priority to ccTLDs. So in case there's in process ccTLD request and in process gTLD request, the ccTLD request would generally win. And the gTLD request will be put on hold until the ccTLD

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decision has been done for that string. This is also not explicitly discussed here. But there is a language around that in 2012 AGB. I guess I'm just highlighting here that we're just taking that would be a reasonable way of processing things in the future rounds as well, but just highlighting here in case the working group wants to discuss that. Thank you.

DONNA AUSTIN:

Thanks, Sarmad. I actually thought that we did have something to account for IDN ccTLDs are in process, but maybe I was thinking of something else. So I take the point that it's probably something that we need to account for. But there's a timing question here for me about ... The New gTLD Program is done in rounds, ccTLDs can be applied for at any time. So how do we account for that mismatch in timing? At the time that a new gTLD is applied for and started the evaluation process, there is no ccTLD application, but by the time you get to string similarity review or something else there is, how do we account for that timing? Sarmad?

SARMAD HUSSAIN:

I can share with you what's there already. What it states is that if the applied-for gTLD has completed its evaluation process, meaning that it's ready to be contracted and eventually delegated, at that time, if a ccTLD request comes in, then it's too late for ccTLD request. But if it comes while gTLD string is currently under evaluation, then ccTLD string would take precedence. So I think that's what at least the current language is and that's sort of what we have been looking into as well. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Hadia?

HADIA EL MINIAWI: Thank you. So my question is to Sarmad. What if the applied-for gTLD actually passes the string similarity test and there is no ccTLD that has applied and does pass the test. However, the process itself is not complete yet. And at that point in time, a ccTLD applies for a string that potentially could be confusing with the gTLD application that has passed the similarity test but has not concluded the process. Thank you.

DONNA AUSTIN: Go ahead, Sarmad.

SARMAD HUSSAIN: Thank you. As I shared earlier, that could not be a gating factor for the ccTLD. So the ccTLD can still proceed even if the gTLD application has passed a string similarity review. The only way ccTLD can stop, application is actually stopped, is if it comes after the gTLD application has completed all its processes and in a way is ready to be contracted. So in your case, the example you're providing, the ccTLD application would still prevail.

DONNA AUSTIN: Thanks, Sarmad. So I'd like folks to give some thought to that because I think Hadia has raised a fair point in that the string similarity review is going to be a considerable process for IDN

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gTLD applicants if they have applied for variants. So I recognize what Sarmad had said that contracting makes sense as the point in time, but how fair is that on the gTLD applicant that's already made its way through most of the application process? So if folks can just give some thought to that, and if they have any strong opinions on what's the more reasonable approach, if they could raise those. I guess in the notes we'll have that as an action item. We'd like people's input on that one. Thank you. Sarmad?

SARMAD HUSSAIN:

Yes, I'm sorry. I just keep raising my hand. But one more detail. At least in the 2012 AGB, what it said was that once the gTLD application has been made and if the gTLD has, for example, the approval of the relevant government to which this is similar, but the ccTLD application comes and eventually moves forward and gTLD cannot, in that case, the application fee is refunded for the gTLD application. Thank you.

DONNA AUSTIN:

Okay. Thanks, Sarmad. So I guess that's a consequence point. That if by no fault of the applicant's making, I guess they're not able to proceed further in the application process, then what's the consequence? So is there some kind of return of the fee?

Okay. All right, so we're good to move on, Ariel?

ARIEL LIANG:

Yes, sounds good. I'm just listening to this, I think maybe 4.2 is the place where we may have to incorporate some language to

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account for the TLDs that are in process already and how to compare that against other newly applied ones. Maybe that's the place but we can discuss after the call with leadership. So moving on.

Not much change in the rationale. So it's just the notes that we did say the limited challenge appeal mechanism in the rationale for 4.4.4. We may have to delete SubPro PDP if we're to decide to not adopt this one from SubPro. Although I'm not sure whether appeal is something we can still include, but we will discuss. This part may need some rewording here in the rationale.

DONNA AUSTIN:

Let's worry about it when we do, if we have to.

ARIEL LIANG:

Okay. So moving on to 5.1, 5.2. These five recommendations, these are related to the objection process and not much change, except for the 5.2, there used to be a long list of bullet points and now we made them the numbering list. Similar change applied to 5.3, 5.4, and 5.5. These are numbered list.

Another change that was done is for 5.3. We did some minor wording adjustment. So we before we said then the application in its entirety is ineligible to proceed. We just made it into that entire application. I think this was changed because Org had a comment to ask us make the wording consistent. I think they had a bit of issue with how it's worded, the application in its entirety, so the suggestion is just say the entire application.

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Then another wording change that was made is 5.3.2. Now, the new sentence is if the objection prevails where the objector is another applicant then the entire variant label set imposed that application and the objector's application must be placed in the contention set. So basically, this wording change is also to be consistent when we refer to the variant labels set in the application. We'll just use that kind of phrase consistently throughout the report. That's basically it to make the language a little bit clearer and more consistent.

So I will stop here. I saw Nigel said it looks good. Thank you, Nigel. If there's no other comment or objection to the revisions made then we can keep moving.

DONNA AUSTIN: Thank, Ariel. Nitin says it looks good. Go ahead, Sarmad.

SARMAD HUSSAIN: Just a small comment. Here when we say the entire variant label set, it includes the primary inside it. Just confirming. Thank you.

ARIEL LIANG: Yes, that's the case. We have that definition in the glossary already. The set refers to primary allocatable that's blocked. So we just don't want to keep mentioning this in the recommendation.

DONNA AUSTIN: Okay. It looks like we're all good, Ariel.

ARIEL LIANG:

Yes. Okay. So moving on. This is something flagged here for the challenge mechanism stuff that we may have to revisit language. Moving on to 6.1, 6.2. 6.1, no change, really. And 6.2, we did make some change. It does look like a lot, but it's really not a lot. Because what we did is to use the explanation in the rationale as the actual recommendation language because the previous one seems a little unclear. I think Org had a comment about what does that mean? In terms of the entire variant label set must be processed in the contention set, what does process mean? So it basically just means that the entire variant label set of the strings in contention, they must be placed in a contention set, a contention resolution. So that's what it means.

Then we rewrote the 6.2. I'll just read it. "If an applied-for primary gTLD string or its variant label is found to be confusingly similar to another applied-for primary gTLD string or its variant label, the entire variant label set in the affected application will be placed in a contention set together. This applies no matter whether the primary gTLD string is an ASCII string or an IDN string."

So it's just to make it clearer. I was wondering, maybe the new point that Sarmad brought up about the strings are already in process, how to deal with that, if it's found confusingly similar to a newly applied-for string, maybe this is something also to think about for incorporation in 6.2, but we can discuss. That's all for the change for 6.2.

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DONNA AUSTIN:

Any concerns about this one, folks? That is, as Ariel said, new language but it's taken from somewhere else. Well, it's not new language, it's different language taken from the rationale, just with the intent to be clearer.

Satish is saying that we've used "must" in the previous recommendation, and in this one it's "will". What do we think, folks? Should we go with must for consistency? Nitin says better to use must. Anil says we may go with must. Ariel, do you have any reaction to that?

ARIEL LIANG:

I concur with the comments. Hadia, I don't have the answer to your question. It just sounds okay back in the day. We did have this terminology explanation in the introduction. If you recall, the must, may, should, required, I think a few words that was in RFC, that usually we should consistently follow that terminology already defined in some other documentation and used in other PDP reports. So if that's the purpose that we should use "must" instead of "will" just to make it consistent. I can make that change here. Yes. Thanks, Justine, as well. Yeah.

So it's not really "should" this is the best kind of thing, Nitin. "Should" is more optional. It's not mandatory. It's expected to follow but there's no mandatory requirement. But if you use "must," that's mandatory requirement, so there's a level of difference there and it really depends on the recommendation.

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DONNA AUSTIN: I think for the understanding that what we're doing here is developing policy recommendations where we're using must, just to be clear that it's not optional. It is the way it has to be. Okay. I think we're okay to keep moving, Ariel.

ARIEL LIANG: Okay. I'll just put the note there maybe we'll use "shall" instead of "must". We can fine tune this after the call. Thanks, Dennis, for the comment as well on "shall".

DONNA AUSTIN: Let's say for consistency, which is why Satish raises in the first place, I suppose, because is it will or must? So let's just take that into consideration. All right.

ARIEL LIANG: Following that 7.1, it did have a bit more substantive change. Besides the wording change, what else was included was after one Registry Agreement, we add with each variant label having the same Service Level Agreement and other operational requirements. And that was a suggestion from RySG. But initially, when they suggested this phrase, they said substantively similar, I believe, instead of the same. But then after discussion of that comment, RySG also talked about that internally, and I think the agreement is using the same is more appropriate.

Actually, Donna, you had a comment here. I didn't even see it. Yeah. So we're just wondering whether there's any concern or question from the group. With this, we circled this back with some

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GDS folks and asked them whether they have any concerns about that. I think when they looked at the language substantively similar, some of them had a bit of concern about it. But some others say maybe it is acceptable that the SLAs where the variant label can be different from one another because they're not the same gTLD so it's possible. So I think it was not a consensus among the GDS in terms of how to treat this particular phrase. It's hard to tell right now, it's hard to predict the future, really. So I'll just stop here for a moment and see whether there's any further comment or question from the group. Dennis has his hand up.

DENNIS TAN TANAKA:

Thank you, Ariel. This is Dennis for their record, Registries. I just want to add my thoughts on your reflection on conversation with staff. I found it interesting. Again, I don't have an answer. I'm just trying to reflect my thoughts here with you. We know the gTLD variants are gTLDs on its own right. There is no mechanism that they will be treated differently in the DNS. They are going to be independent entries that need to be managed as gTLDs in the back end. The registries will need to do something in order to enforce the same entity principle and whatnot. But in terms of the operations that is provisioning of domain name and resolution of domain name, that's going to be the same. I mean, I suppose, it's largely the same. I agree that from an operational standpoint and the outputs of those SLA measurements are maybe different from one another at any given point in time, you will pro for EPP provisioning transactions and one gTLD may perform differently than the other. But in terms of how you measure across a set, yeah, each gTLD should be subject to the same SLAs. These

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results may be different from one another at any given point in time. But you will subject the same set of SLAs and target values for each one of those. So, I don't see how that might be different. How do you measure one different than the other? So yeah, I just wanted to express that, but organizing my thoughts and sharing that with you. Thank you.

DONNA AUSTIN: Thanks, Dennis. I'm not sure whether you're concerned about the language that is in the recommendation now or whether your comment is an observation. Sorry.

DENNIS TAN TANAKA: Sure. A fair question, Donna. No, no, I'm not concerned. I was just reacting to what Hadia was sharing with us, reaction from staff, and thinking about potentially different SLAs for different gTLDs because there are variants labels. Interesting perspective, right? But I don't think that we are concerned with the change from substantially similar to the same, because I think at the end of the day, we want consistency across our gTLDs whether they are variants or not.

DONNA AUSTIN: Okay. Thanks, Dennis.

DENNIS TAN TANAKA: Thank you.

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ARIEL LIANG:

Thanks, Dennis. I'm just cross-checking the comment from Donna. I believe I have incorporated your suggested wording, too. So I'll just resolve this. Oops. Actually, resolving removed the whole red line. I'll just keep it there. Thanks again for the input, Dennis. So moving on.

7.2, just a wording change. Also, I just want to note something. For some recommendation or implementation guidance, we did say base Registry Agreement. But for some, we just said Registry Agreement. So there may be a question about the consistency here, but we thought this sort of inconsistency is probably acceptable because when we mention base, we have a particular purpose why it was mentioned because, for example, we say a new specification needs to be added to the base. That mentioned base is to emphasize the base is the same but specification will be different. Or we say critical functions in the base Registry Agreement, that's something all of the registry operators' Registry Agreement has that. So using base in those contexts seems appropriate. That's why we thought having this writing consistency is acceptable, because every time when mentioning it, it's purposeful. So I just want to note that for the group for transparency.

For 7.3, we did have quite a bit of update to this one. It doesn't look like a lot but it actually is substantive. So I'll just read the new recommendation. Any existing registry operator that is successful in its future application for variant labels must be required to adopt contractual terms to accommodate the newly approved variant labels by way of a new specification to its existing Registry Agreement.

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So if you recall, the original 7.3 is to say the existing registry operator must enter a separate Registry Agreement for its newly approved variant label, in addition to still maintaining its existing Registry Agreement. So basically two, at least, Registry Agreement for those existing ROs when they successfully get their variant labels. But after review of public comment, there's quite a bit of concern from public comments saying this is reading consistent with 7.1. And also SubPro already have a recommendation is to affirm that one Registry Agreement, just have the same Registry Agreement but adding specification to it. The SubPro had that already. So the original 7.3 could deviate from the SubPro PDP outcome. So that's why we made this change, and then just specified that the existing Registry Agreement doesn't change but a new specification may be added to accommodate the newly approved variant label. Also, not maybe, must be. So that's the change to 7.3.

Justine also had a comment. It's to reflect agreed change in position requiring new RA for existing ROs to requiring the same RA but adding a specification to achieve the same goal. Thanks, Justine, for that comment.

So that's 7.3. And just to finish up, 7.4 was deleted because that was in the context of the existing RO may have more than one Registry Agreement. That is to say all of these Registry Agreements need to be linked together. But since we're saying we're requiring a new specification then 7.4 is moot. So it's deleted here. Nigel says it sounds reasonable in the comment.

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DONNA AUSTIN: Okay. Thanks, Ariel. Dennis, a few weeks ago, I think you may have put something on the list or raised something about this during our review of the public comments, and I think it's consistent with the intent of the comments you're making on behalf of the Registry Stakeholder Group about moving to one agreement, which is what Justine has reflected in the chat.

DENNIS TAN TANAKA: Yes, Donna. Thank you. The revised language that was raised, the concerns of the Registry Stakeholder Group, which is the concern of different registry operators being forced to transition to a new version of the RA just to apply for the new variant label. So I think the new version addresses that.

DONNA AUSTIN: Okay, terrific. All right, I think we're okay to keep moving, Ariel.

ARIEL LIANG: Okay, sounds good. I just want to note similar change has been applied in the rationale. We also incorporated some new text in the rationale to explain why this new specification is included here as a result of public comment review. So folks are recommended to review this text.

7.4, 7.5, no change, really, except for the global wording change. And because we also didn't really receive public comment on this, that's why there's not much change at all. If no questions or comments, I will keep moving. Another thing I want to note, the

number has been changed because we deleted [IG], it's the previous 7.4. So it follows that the numbers have changed as well.

Next is the new 7.6. No change except for the global wording change. Also, we didn't receive much public comment on this.

Then 7.7, we did make some minor updates here. I'll just read the new text. It says, "If the registry operator changes its gTLD's registry service provider for any one of the critical functions, the variant labels of that gTLD must simultaneously transition to the same registry service provider for that critical function."

We added the critical function because it was mentioning 7.6. And mentioning this here will make it clear these two are related. And that was also a public comment saying we need to strive for consistency, and 7.7 is the place to make it consistent. So that's why we added the critical function here. But the gist, the essence of this, the recommendation remains unchanged. So we'll wait a moment and see whether there's any question or comment from the group. Two-second rule, if nobody speaks, I'll speak. Okay.

DONNA AUSTIN: Okay. I think we're good.

ARIEL LIANG: Okay, sounds good. Then another thing, I want to note that whenever you see this asterisk phrase, that was removed but the same messaging was incorporated in the rationale. So that's another global wording change applied to several

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recommendations. Thanks for the comment in the chat. Moving on.

7.8, just the global wording change. And 7.9, besides the global wording change, we did add this phrase in accordance with the same entity principle pursuant to final Recommendation 2.1. So it basically talks about the registry transition process, change of control process. The same entity principle still applies. That's the principle of this recommendation and something that needs to be emphasized. And that was also a suggestion from public comment so we incorporated this in 7.9.

7.10 and 7.11, it's just a global wording change. Another thing I do want you to note is if you recall the Human Rights Working Party, they did have a problem with a few of these recommendations here about the registry transition thing and also data escrow in this section. They said the way the recommendations are worded is not taking into account the data protection laws and we need to incorporate that. But the general agreement from the group, I believe, is they're kind of missing the mark what those recommendations are talking about. But it's maybe possible to include some kind of overarching statement to say our recommendations, it's in recognition that the contracted parties must comply with national laws and including those data privacy regulation. So maybe that's something that can be entertained as the overarching statement. So when we look at this comment and actually drafted the overarching statement, it seems really out of place. It's just kind of random to put that in either the Rationale or in the Introduction section of the final recommendations. So what the leadership team suggests is we just recognize this is

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something mentioned in the public comment but there's no need to include that because it seems out of scope for the group to address that. And there's other PDPs or there are outcomes already developed to cover that base. So, that's what we tried to capture, that public comment. We didn't dismiss it but it just seems out of place. So that's why nothing was done to incorporate that point. I want to mention this for transparency and see whether the group has any question or concern about this approach.

DONNA AUSTIN: Satish says okay. What you've highlighted there, Ariel, we may need maybe one more line about contracted parties abide by consensus policies and local law or something, and we think it's covered there. So, we may just need another sentence in there but we'll move along that one.

ARIEL LIANG: Okay. We'll massage the language of it after the call. We'll put that at the redline in the document.

DONNA AUSTIN: Thanks, Ariel.

ARIEL LIANG: Moving on, 7.12, 7.13. Except for the global wording change, no other change. We repeated that public comment review about the Human Rights Working Party's concern in this section, but no

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change to the rationale itself or anything else. That's 7.12 and 7.13. I will just move on.

So 7.14, except for the global wording change, something else that was changed is we have updated the existing registry operator. When they get the variant label, they will have a new specification added to its existing Registry Agreement. So this is to be consistent with the same change made in 7.3, I believe. So that's all for the change for 7.14. And now we did explain why this was made is to take into account the public comment for 7.3 and apply the same change here. So that's 7.14. If no comments or objections to these, I won't keep moving.

8.1, that's a pretty important recommendation about the ceiling value. And after a lot of discussion, the decision is to keep the same wording and don't put a ceiling value there. So, no change.

Then for 8.2, we did include some changes. So I'll just read the new recommendation. "In order to encourage a positive and predictable registrant experience, ICANN Org must, during implementation, create a framework for developing non-binding guidelines for the management of gTLDs and their variant labels at the top-level by registries and registrars."

The reason for the change is there's a public comment asking whose responsibility is for developing the framework of the guideline. So it's ICANN Org's responsibility during implementation. So that was spelled out.

Another thing is to add non-binding here. Even guideline itself implies it's non-binding, but we do know some cases, it could

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include mandatory requirement in the guideline such as the IDN implementation guidelines. It's called a guideline but it's actually contractual obligation to comply with that. So just to add non-binding is to make it clearer. It's not something super mandatory. And that's also RySG's suggestion. So that's the change to 8.2.

Another thing I do want to note is that in public comments I think ICANN Org asked a question in terms of the dissemination of the guidelines and how to do that and what's the mechanism? So I believe the group's agreement is this is something for ICANN Org to decide down the road. The EPDP team doesn't want to prescribe mechanisms. Sarmad has his hand up.

DONNA AUSTIN: Go ahead, Sarmad.

SARMAD HUSSAIN: Thank you, Donna, Ariel. Just on this, I'm just looking at it from a implementation perspective. It says, "ICANN Org must during implementation..." Does that mean there's an expectation to create guidelines before the next round? And if that's the case, I guess what I'm thinking is that we don't really have any precedents on how gTLDs are managed and their variant labels at the top level are managed. So these guidelines could eventually evolve as some implementations take place. But if the expectation is that these guidelines be available before the next round is actually announced—

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DONNA AUSTIN: Thanks, Sarmad. So the idea is that a framework for developing the guidelines would be developed during implementation. So that's the important thing, it's the framework. So it's kind of like how we're going to go about developing these guidelines. It's not the expectation that the guidelines will be developed during implementation, just the framework or the mechanism or the manner in which they would be developed.

SARMAD HUSSAIN: Understood. Thank you.

DONNA AUSTIN: Thanks.

ARIEL LIANG: Thanks, Sarmad, for the question. Thanks, Donna, for the explanation. Indeed, it's just the framework during implementation. And I believe in the rationale we did say the guideline may evolve over time and that's why we're saying just framework for now. It's hard to know how they're going to be managed until the first variant gTLD is delegated. So we'll come for those points. Then make sure everybody heard, we leave it flexible for ICANN Org to disseminate the guidelines when they're eventually developed down the road as well.

Then for 8.3, we just add a non-binding before "guidelines". That's in line with the RySG's suggestion. So that's the extent of change for 8.2 and 8.3. All right. If there's no other comment or concerns, we will move on.

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8.4, 8.5. 8.4, the global wording change applies in both cases. Then for 8.5, we did change “can” to “should”. This is for consistency reason because “can” is not officially defined terminology in the RFC. We did try to figure out what is the right word here, is that a should or a may or a must. But agreement is should because it was actually already mentioned in the rationale for 8.5. The sequence should be determined by the registry operator for delegating applied-for primary string and applied-for allocatable variant labels. That has evaluation. We just keep it consistent with what we wrote in the rationale using should. Thanks, Anil. If there is no other comment or questions for 8.4, 8.5, I will keep moving.

8.6, it’s about grandfathering. There’s no public comment that was received with any substantive change. There was no change to 8.6. Another thing I want to quickly mention now is that, if you recall, ccPDP4 initially differs from us in terms of the grandfathering recommendation and we were a little concerned about this difference. But in the recently published initial report from ccPDP4, they actually aligned with our recommendation. So any delegated already existing ccTLDs will be grandfathered. Even if RZ-LGR update says the string is invalid or blocked or something. So the grandfathering is absolute for ccTLDs now as well. So no longer have difference, which is good for 8.6.

Then for 8.7, the change here is we added for future versions of RZ-LGR, GPs and IP must follow the stability principle in the LGR procedure and make best effort to retain full backward compatibility. We also added a footnote here to explain what’s the stability principle in the LGR procedure. The reason that we add

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this sentence here is also public comment basically saying RZ-LGR already have that pause for retain full backward compatibility. So we should recognize that.

There's another thing that was a bit concerning for ICANN Org is that the GPs and IPs, they have their own procedures and rules, and they're not required to comply with consensus policy developed by ICANN. For ICANN Org for implementation, the recommendation can be relayed to the GPs and IPs but they cannot require them to comply. That's the concern here and we tried to address it by including this disclaimer in the rationale of 8.7. I will just quickly move to that disclaimer here, is the group understood ICANN Org cannot force them to comply with PDP recommendation but it can relay the information to them.

I see Sarmad has his hand up.

SARMAD HUSSAIN:

Thank you. I'm just wondering if the must before the follow the stability principle in LGR procedure is a bit strong, considering that there may actually be cases where the Generation Panel or Integration Panel may think that there is some change which is needed which may impact stability but improve the security. Basically, there are multiple guiding principles in the Root Zone LGR procedure, which needs to be balanced out with each other without, I guess, this level of requirement that one of those could not be overridden to address the other. Obviously, a conservative mechanism is followed, but I'm just thinking whether must will constrain, for example, by policy that process where there may be in future some changes needed due to security challenges. Thank

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you. The suggestion is to consider perhaps should, which means that it's likely a must unless there is a very good reason to change it. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Does anyone have any concerns if we change this to a should? Dennis is okay with a should. Michael doesn't have any concerns. Maxim says it sounds better. Okay. All right. So we'll change that to a should. Thanks, Sarmad. Thanks, Ariel.

ARIEL LIANG: Thanks. I just have a question. Do we change should throughout or only here for stability principle?

DONNA AUSTIN: Dennis?

DENNIS TAN TANAKA: Thank you, Donna. The question that Ariel just asked on the second one, the LGR procedure must be updated to personal exceptional circumstances, I think that should stay must. And the reason being, the GPs needs to know as the rules on LGR is being put in practice and gTLDs are going to be delegated based on the results, stability is paramount. Because we don't want a situation where a delegated gTLD is put at risk because of a change in how variant labels are determined, validated, or what have you. Granted, there might be things outside control of the GPs, say a new Unicode version comes along and at code point,

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something's happened that it requires certain revisions and maybe it's not protocol valid per IDN in 2000 or what have you. But those cases are very really extreme. I think when we came up with this original language in having to specify these exceptional circumstances, they need to know up front that stability is important from now on. And any changes of the Root Zone LGR that might affect impact how we be already delegated labels in the root zone, they need to know the bar is really, really high and not just call anything security for the DNS. That security for the DNS really has a high bar and they need to understand that. Having that update to the LGR procedure as a statement, paragraph, explanation, or what have you, I think that would be really useful. I think that one should stay as a must. Thanks.

DONNA AUSTIN:

Thanks, Dennis. I tend to agree. Maxim is saying for the procedure, it should be must. Satish is saying the second one says that—I believe it's the second instance we're talking about. I think it's must, Ariel.

ARIEL LIANG:

Okay. Thank you for the feedback. That makes a lot of sense. I will just check the rationale to make sure about the stability principle part, we are going to change that to should if must was mentioned in the rationale. I just want you to note, definitely, we want to emphasize this is not something optional. But at the same time, we did recognize GPs and IPs, they are not required by contract like the contracted parties to follow PDP recommendations. So we did have that disclaimer, even we did

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emphasize this is not something optional for them. But they may decide not to do it just because they can. I don't know. Maybe I'm overexaggerating this. Sarmad has his hand up.

SARMAD HUSSAIN:

Just a clarification thing. When we are seeing, for example, in 8.7, towards the end, that Root Zone LGR retaining full backward compatibility, I guess the question is what would that mean. In practical terms, does that mean... Because any change in Root Zone LGR may actually have impact on potential labels it can generate but may or may not have any impact on the existing gTLDs or ccTLDs or TLDs which have been delegated or their variant labels. Is that backward compatibility considered in the narrow sense on its impact on existing delegated TLDs? Or is it being considered in a very broad sense that once something's even possible, it should not change? Thank you.

ARIEL LIANG:

I believe this was explaining the rationale what that means for full backward compatibility. And it's in the narrow sense that a delegated gTLD should still remain delegable or allocatable in RZ-LGR update. We didn't really say anything about its variant label. That's the understanding of what the group has in terms of full backward compatibility. I believe it's already explained in the rationale.

SARMAD HUSSAIN:

Thank you.

DONNA AUSTIN: I think best effort is important too. It's not hard and fast. It's the best effort. Okay. I think we're good to keep moving now, Ariel.

ARIEL LIANG: Okay, sounds good. 8.8, 8.9, no change because we didn't receive any public comment input on these except for support as written. So pretty simple here. I will keep moving.

8.10 and 8.11, the change here is the global wording change. That's it.

For 8.12, this is a new implementation guidance, actually. I will read this. "In the event that domain name registration exists under a delegated variant label, its registry operators request for its removal from the root zone should include a transition plan to be submitted to ICANN Org for review for the existing registrations under that variant label."

Basically, this implementation guidance stemmed from a public comment from ICANN Org because they were a bit concerned that there was no safeguard or impression of safeguard in 8.11, as if a delegate variant label that's voluntary removed can be easily done. But it's not the case, especially if there's already existing registrations under that variant label. Then ICANN Org should have a chance to review this request and also a transition plan should be provided to ICANN Org along with staff requests for removal. I think that was ICANN Org's concern about 8.11, and that's why 8.12 was created to address that concern. That's why

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we have this new one. I will stop here and see whether there is any comment or question from the group.

DONNA AUSTIN: I think this guidance is consistent with existing practices at the moment. Our Registry folks might have a better sense of that. Dennis says it makes sense. Any concerns? It's okay with Nitin. Sarmad?

SARMAD HUSSAIN: Just some wording. It may be useful to refer to variant gTLD or something than just a variant label because that could be confused with second level. That was one thing.

Second, I'm not sure, but is there a need for a cooling off period before this can be reapplied? I'm not sure if this is discussed elsewhere. But just thinking aloud here. Thank you.

ARIEL LIANG: Actually, I can respond, Sarmad. The group doesn't believe there's a need to prescribe any specific recommendations for implementation guidance about a previously removed variant label being requested to be delegated again, because there are some existing procedures regarding gTLDs on that regard. And I believe that in the rationale language, it did include something. Actually, maybe not rationale. I think it's in a public comment review. It basically says—the section I think is right here. The registry operator who wishes to redelegate its previously removed variant label may submit a new application. Basically, that's all the EPD

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team wants to say about this. The cooling off period detail seems too much to prescribe. It's basically the RO has to reapply for the previous removed variant label on another round. That's what the group agreed about for that point. We'll just leave it here.

DONNA AUSTIN: This recommendation is only talking about the possibility of removing one of the labels, not the complete set. Is that right, Ariel? That would be a different scenario.

ARIEL LIANG: Yes. The main thing the recommendation aims to address is just to say the variant label can be removed without impacting the primary and other delegated variant label from the set. It's mainly wanted to say that. It wasn't trying to prescribe any procedure in terms of removal or revalidation, that kind of stuff. That was not the point of the recommendation.

DONNA AUSTIN: Maxim is saying what is the reason for such a cooling off period. I think what we're saying here, Maxim, is that there wouldn't be one. If a contracted party decides that they need to undelegate a label, and then later they change their mind, they'll have to reapply for it again. Understand that nobody else would be able to apply for it because of the same entity principle. I think we're good, Ariel.

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ARIEL LIANG:

Okay, sounds good. Then I just want to quickly mention that 8.13, we made some wording change here. Instead of the “Its associated variant label set,” we just say, “The rest of its variant label set, if any, must be removed from the root zone.” It’s about a gTLD that is removed as a consequence of a breach. Associated sounds a little off for the leadership team so we’ll just replace that wording here.

I think there was a public comment about the breach doesn’t necessarily resulting removal. Again, the group recognized that’s a scenario. But we’re saying in the specific event that something is removed, as a consequence, we’re specifying to that, then the rest of the variant labels must be removed too. Nothing contradicting to what the public comment said. That’s 8.13. And if no other comments or questions, I will keep moving. Oh my gosh, we’re done.

9.1, 9.2, that’s the variant label state. We didn’t receive comment, really, it’s recommendation or just support. So no change there. And also, I just want you to note that in the rationale we did delete some sentences, because at the beginning, the label state here was from the staff paper. The group did have a lot of discussion, but we felt at that point in time, it wasn’t ready to affirm these as the variant label set without going through the whole New gTLD Program and those stuff. So we say, “Okay, we will accept this as a preliminary recommendation.” But at this point in time, we did feel this still stands, this variant label stays and public comment didn’t object to any of this. Rationale, the group accepted this as preliminary recommendation. Right now, it’s actually final. So we

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made the updating the rationale in that sense. If there's no comment or question, I will keep moving.

This is the last two. 9.3, it's the label state transition. No public comment received, just agreement with the wording. So no change there.

For 9.4, we did make some minor change here. It's basically to explain what the label state transition means for each one of the paths that's illustrated above. For the third path from rejected to withheld same entity, there are some small wording changes based on public comment. It basically says this transition happens when the condition which led to the rejection of a label no longer applies, then such variant label can be treated as any other withheld same entity label as a result. It's just to make this a little clearer and sounds a little nicer but no substantive change. Dennis has his hand up.

DENNIS TAN TANAKA:

Thank you, Ariel. It just occurred to me that these two states rejected and withheld, they serve different purpose. One relates to the—I don't want to say ownership, but for lack of a better word, is the thing which that label has due to the generation or calculation in Root Zone LGR belongs to a set and that set is attributed or assigned to an entity. That does not change. The rejection state is where it went through the application process and it got rejected for some reason. But that does not negate that the label is still with the same entity. Do we want to entertain the idea of the two statuses going hand in hand? I mean, I don't know if that's going to change the outcome of it. Or maybe it's just that it's assumed

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that when you have a state rejected, it is assumed that obviously, they have to belong to an entity. And so they withheld some entity, it's kind of unspoken or you don't need to explicitly state it and that it's already assumed. I mean, it just occurred to me that the two different statuses are from different reasons and they're not exclusively. But again, it's just a thought. I don't have a strong opinion about it is because, again, rejection implies that the label is assigned to an entity already. Maybe there is no need to state the obvious. Anyway, I just wanted to share that thought. Thank you.

DONNA AUSTIN: Thanks, Dennis. Any thoughts on Dennis's thoughts?

ARIEL LIANG: Actually, I do want to note something but—okay, I will stop.

DONNA AUSTIN: Okay. Sarmad, Justine, I'll just note in chat that Michael says he would not change anything, the same argument holds for blocked, that also still belongs to the same entity. Sarmad?

SARMAD HUSSAIN: Thank you. At least the way I think about it is that if withheld same entity actually is the name which we use for allocatable, and allocatable is inherently saying that there is some entity which has a right to apply and get it allocated. Rejected, of course, takes away that right from that entity. So in some ways, rejected does

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not “belong to that entity” because the entity doesn’t have that right. At least that’s, I guess, one way I think about it. It’s somewhat different that maybe there is no entity which actually has a claim on rejected. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Ariel?

ARIEL LIANG: The point I want to mention is if you look at rejected and withheld in a visual way, it may be a Venn diagram. Withheld same entity is a big circle and then rejected is within that circle, all withheld same entity. Essentially, what I mean is the rejected label, they are withheld same entity, but the difference is that the applicant actually tried to apply for these and got rejected for some reason. Their application for these specific labels didn’t get approved, that’s why it became rejected. So there’s a specific action from the applicant that changed the label state of the specific withheld same entity labels.

Also another point, just in response to Sarmad, rejected state shouldn’t be a permanent state because it could be rejected in a specific round. But whenever the applicant decides to reapply it second round or third round or something, and then make a better application for that or maybe previously it was rejected because there was some other string that was in contention with this or there’s some other reason but that round no longer exists or applies, then the application can go through in the future rounds. So the rejected state is not going to be a permanent status with

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that label. It could change. That's what I thought about these terminologies.

DONNA AUSTIN:

Thanks, Ariel. I don't think Dennis was hard and fast on this and there is support for keeping things as they are. Dennis is now putting in the chat that he doesn't feel strongly about it. So he's okay to keep it the way it is with clear definitions of each. I think we're okay to keep it where it is, Ariel. The only thing I would change is change which to that. But that's just being pedant. I think that's okay.

ARIEL LIANG:

Okay, sounds good. Not much change in the rationale itself, just to be consistent. We made some minor updates. Then there's other section about the question that does it have recommendation? We just made some minor updates making preliminary final, and that's pretty much it.

We have seven minutes left. I was just wondering... Donna, Justine, do you want to talk about the proposal that you like to make in terms of 3.5, 3.6, or save that for the next call?

DONNA AUSTIN:

Ariel, can you just bring the slide up please? Just by way of introduction, we had quite a bit of discussion about 3.5 and 3.6 on our last call and the leadership has been having more conversations about how to manage this one. One of the things that came up in our leadership conversation was... Is there

another slide, Ariel? Okay. We talk about variant labels. When we think about 3.5, are we thinking of the evaluation being done on a label-by-label basis or as the set? We think from a leadership perspective, it probably calls for the labels being evaluated individually against the criteria that we had in 3.5. That's something we'd like folks to think about.

The other thing that occurred to us as well is that there could be a circumstance. We talked about scoring in the last call and it was a little bit unclear about how that pass-fail thing would work. But we did, in the leadership when we're having a conversation, about if we do this on an individual label basis, then there could be a circumstance where the evaluators decide that the need for the variant labels is pretty strong for maybe two or three of the four labels that have been applied for, but perhaps there's not a case for the fourth variant label. So we think that from a scoring perspective that there could be a circumstance where an individual label is rejected so that can't proceed any further, but the remainder of the application is good to keep going.

We just wanted to flag this as this is a conversation that we've had with leadership and we're still noodling on it. We didn't come to any agreement because we wanted to bring it back to the group first. If folks could think about that from an evaluation perspective, whether it makes sense to do the things individually, evaluate the labels individually in order to assess the need of the set. One of the reasons that we introduced the recommendation is to try to address concerns that being able to apply for four variant labels plus your primary for the same cost of just applying for a gTLD might lead to frivolous applications. So we're trying to mitigate for

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that. If folks could have a think about that and we'll come back to this next week and have a more fulsome conversation. But that's where we've ended up.

If we can just go back to 3.5.4, Ariel. How the applicant plans to mitigate the potential risk of confusability to end users. We know that there's a little bit of a struggle on this one and how to apply it to this recommendation in thinking about this, because we understand that trying to mitigate confusability to end users is a pretty hard ask if we're thinking about it at the second level. But perhaps there's a way to recast this so that the risk of confusability is really aimed at the top level. So we're not trying to address end user confusability at the second level, but perhaps try to bring it up a level so that it's only about the top level. That really goes to need, in our minds at least, if we can keep that, have the applicants respond to potential risk of confusability that introducing two, three, or four variant labels for the primary might result in. We're just trying to think about whether it's possible to recast that, not so much about confusability to end users, but how they manage that potential for confusability by introducing three or four variant labels for a primary. We thought maybe there's a way to recast that. If folks were able to think about that, we'll come back to it next week.

Justine, is there anything that you wanted to add to that? I know it's pretty quick and its new information. But is there anything I've forgotten or anything to add? Ariel or Steve too, if there's anything I missed?

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JUSTINE CHEW: I don't think so. I mean, we can come back to it next week.

DONNA AUSTIN: Okay. Please take a look at the slides, particularly the next one, just to get a sense of what we've been thinking about. We'd like to understand whether folks are on the same page. And if it's not, if you have any questions, please post those to the list and we'll try to respond or we'll make them questions that we can consider on next week's call. All right.

Okay, with that, we are at time. We're a minute over. Thanks, everybody. We've got through a pretty big lift tonight. Thanks to Ariel for taking us through it. Thanks to everyone for sticking with it because I know it's really hard and it's quite laborious. I very much appreciate the effort. We'll come back to 3.5 and 3.6 next week. Hopefully, we can close out our review of the public comments, which means we're on a good path to getting the final report to the Council in the timeline that we predicted. Thanks, everybody. We will talk to you next Thursday.

**[END OF TRANSCRIPTION]**