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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the Latin Script Diacritics PDP call taking place on Wednesday, July 16<sup>th</sup>, at 13:15 UTC.

We have apologies today from Justine Chew. 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 the documentation and information can be found on the Latin Script Diacritics Wiki space. Recordings will be posted shortly after the end of the call. Please remember to state your name before speaking for the recording. As a reminder, all chat sessions are being archived. Participation in ICANN, including this session, is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. Thank you, and back over to our chair, Michael Bauland. Please begin.

MICHAEL BAULAND:

Thanks, and hello, everybody, to meeting #13. Welcome. We have a quite similar agenda to last week. We'll recap the meeting last week's result, and then continue with Charter 3, the Phase 2 IDN EPDP items, and once we are through with them, we'll go back to the TBD items, which we have postponed previously, then the usual next steps, and this time I will remember to whom I should hand over. Next slide, please.

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

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The outcome. We talked a lot last week about the “same entity” principle and to which versions on the second-level this should apply to. And in the end, we decided that for the cases 1.1 and 1.2, having the same SLD or a variant of that SLD, we shall require the same entity. And for the case 1.3 where these are nonvariants and just differ because being diacritics versions of each other there, we will not request this. Key action item from last week was to revise the examples, especially for case 1.2, which were a bit misleading. We did that, and we’ll come back to that now and look at those examples that hopefully avoid the confusion that arose last week. Next slide, please.

So with that, we’ll look at the thing we discussed last week. The case 1 was already agreed upon during the Phase 1 discussions, and now we have case 1.1 where the second-level is exactly the same. So we have test.example and test. éxample with an accent, and those we decided should require to have the same entity registering that domain name. And as in case 1.2 where we have a variant, we didn’t use the confusing double S version, but came up with a Chinese label where we have those two labels. I can’t pronounce them, but they are variants of each other, and for that, by the already existing EPDP rules, [YE]. Is that correct? [YE]? By the IDN EPDP rules, those also have to be assigned to the same entity. Next slide, please.

We have another example for the two cases, this time with Latin script. I think Tapani requested that. And since we wanted to have allocatable variants in Latin script, apart from the sharp S, there is only the Turkish dotless I, so that’s why we came up with the yilmaz example. Again, case 1.1, we have the same label on the second-level, and this requires the same entity. And as in case 1.2 example, we have the ASCII version

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and the variant IDN version as a second-level, one with a dotted I and the other with a dotless I, and by IDN EPDP's existing rules, these also have to be variants. I see a hand by Bill. Please go ahead.

BILL JOURIS:

It occurred to me as I was looking at these two, it might be useful if somewhere on this slide, we made a note of what the particular cases this is dotless I or something. Because, frankly, I'm not sure that the average person looking at this would go, "What's the difference between these two? I'm not seeing the difference." Just to provide some clarity for someone who comes at this without having perhaps the advantage of either listening to this recording or without having been part of the Latin Generation Panel. I think it would be all too easy for them to look at this and go, "Well, those are identical, so of course." Just a thought.

MICHAEL BAULAND:

Thanks. We have at the top of those, we write these are allocatable variants. So we already state that they are different. But yeah, we can think about whether we can make a note maybe below the table.

BILL JOURIS:

Saying something like, "In this case, the variants are I and dotless I," or something. Just a little explanation for those who may never have heard of dotless I, and therefore not pick up on what the difference is. Thank you.

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MICHAEL BAULAND:

Okay. Thanks. We'll talk about that with the leadership team and come up with something. Thanks.

This is what we decided last week. There was also some discussion on the mailing list afterwards, which I guess most, if not all, of the questions have been answered. If not, if there are still open questions, please raise your hand, or if there are any other comments. I see Amadeu's hand. Please go ahead.

AMADEU ABRIL:

Good afternoon, Michael and all. I have a question because, I apologize, I was not here last week. I listened to most of the recording, but I cannot follow the examples on the screen because I am blind. So I am a bit lost about 1.2, 1.3. I'm not completely sure to understand each one of them. There is one thing that—my concrete question, because I don't understand what's the decision here is. I mean, we have a TLD in ASCII and a TLD with diacritics that is subject to this PDP. Let's say .quebec without an accent in ASCII, and .québec with an acute accent on the first E. Now, at the second-level, I perfectly understand ASCII and ASCII, and I perfectly understand the question of IDN variants. But I'm not completely sure to understand what happens at the second-level if the domain name has Latin ASCII and ASCII plus diacritic, which is technically an IDN. So let's say, for instance, .montréal with an accent and .montreal without an accent at the second-level. If I think I understood that we will not apply the single entity of rules here. Is that correct?

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MICHAEL BAULAND: Yeah. That's basically case 1.3. So just to summarize, 1.1 is where we have the exact same label at the second-level. 1.2 is where we have variant labels at the second-level, so one is a variant of the other. And 1.3 is where we have labels which are not the variant, but which only differ by diacritic. So your example, .montreal. And for that—

AMADEU ABRIL: Here there is no single entity rule. Is that correct?

MICHAEL BAULAND: Yeah, exactly.

AMADEU ABRIL: The short reasoning for that would be?

MICHAEL BAULAND: That it's up to the registry. And also we have similar—one second, Amadeu. We already have similar cases at the second-level, if you just have a single TLD, if you just have—

AMADEU ABRIL: I understand that. If that was discussed and agreed, that's okay. I will not waste everybody's time here. I will go to the mailing list to explain why I think that this is completely chaotic and impossible to understand for the regular user. But that must be me, so thanks for the clarification. I couldn't get that clearly from the discussions. I will go back to the list. I

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don't think that this is a good solution, and I will try to explain why.  
Okay. Thanks.

MICHAEL BAULAND: Okay. Thanks. We are looking forward to your e-mail. And yes, there were some pros and cons, but in the end, it says we agreed that it should be up to the registry. So if you run the registry .quebec, for example, then you could, of course, make this policy, if you like it, and make those cases require the same entity. But we won't request that from the registries. But yeah, looking forward to your argument on the list.

AMADEU ABRIL: That must be me. Okay. Thanks.

MICHAEL BAULAND: Okay. Sebastien, please.

SEBASTIEN DUCOS: You probably said already what I wanted to say. Amadeu, as a French speaker, I fully understand your concern, and maybe we can put that in the policy as an implementation rule or something like that. Strongly encouraging TLDs that are targeted for one language, to apply those rules as they might be relevant in that language. But the discussion was that it's way too complicated to put that as a single rule for all languages, all Latin languages, or all Latin script languages. And in this very specific case of .quebec, yeah, that sounds absolutely sound. But as

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soon as you start putting it in multiple languages, it becomes very difficult to apply.

MICHAEL BAULAND: Okay. Thanks, Sebastien. Yeah, we can look at how we could formulate such a suggestion without making that a rule. Any other questions or comments regarding that? I see Sarmad's hand up. Please go ahead.

SARMAD HUSSAIN: I just wanted to raise that in this particular context, there is already another document. I shared the link. These are the IDN Implementation Guidelines which have been updated from time to time. The most recent one just came into effect, which is version 4.1. If you look at Section 2.5 of these guidelines, the two sections, 2.5.1 and 2.5.2, and then there are a few guidelines there, they do talk about confusability of labels and so on. Some of the more generic, perhaps, recommendation, which was being just suggested by Sebastien, that may already be there. Just raising it so that if you want to add something in the PDP, it may perhaps be done in the context of that guideline as well. Thank you.

MICHAEL BAULAND: Okay. Thanks. And thanks for the link in the chat. I will take a look at that after the call too. Any other questions? Comments? Seeing none. I think we can continue.

We'll go back to our sheet and come back to where we left off last week. This was about the UDRP where we said it's basically applicable

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to us, just with the usual wording change. And we then started to look at the URS case, the Uniform Rapid Suspension system. Someone, I think Sarmad or Steve, I can't remember, explained that in this case— Steve? Thanks, Saewon. We don't endanger the "same entity" principle because no entity is changed in the URS case, but only a domain could be suspended, so not resolving in the DNS or pointing to some explanation page. Yeah, I always confuse you, too, Steve. I'm sorry about that.

The IDN EPDP said that in this case, it's the responsibility of the complainant to include any variants, should they require those to be suspended together with other domain names. There's no automatism, if one domain is suspended, to also suspend all the variants because there's no issue with the "same entity" principle. We can have one suspended and the other not suspended. The question is now how do we handle this in our case where we have same entity requirements across LD TLDs and ASCII TLDs?

Any thoughts? I think that was also the reason why we stopped the call last time, because no one said anything, but this won't work this time. Sorry about that. So if no one has an opinion, I can provide. Sebastien, please.

SEBASTIEN DUCOS:

I'm not sure I fully understand the question. As per the rules that we dictated above, if there is a "same entity" principle, then obviously the URS applies to all the entities. If there's not, there's not. Now, in the specific case that Amadeu—



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MICHAEL BAULAND: I think that's not the case. For variants, we've decided it does not apply to all of them, but the complainant has to submit each domain name for which they think the suspension should be applied.

SEBASTIEN DUCOS: Then it's even better than—yeah, okay. Then there's no needed change. That's what I was going to suggest.

MICHAEL BAULAND: Yeah. Thanks. Amadeu, please.

AMADEU ABRIL: I have just an implementation question here. I understand the solution for the URS, for variants, in the sense that probably variants would be easily identified, whether they are allocated and activated or not by the complainant. It depends of how we decide to implement this here same registry objects, where there's an easy way for a third party to know that there is a diacritic activated somewhere that is, let's say, a diacritic match to give an ASCII, if there is not a way for easily identifying that, saying that this the responsibility of third party filing the complaint is a little bit hypocritical because probably they would not know.

MICHAEL BAULAND: Yeah, that's a good point. Thanks. Yeah. For variants, I think—I'm not 100% sure whether in the RDRS... RDDS... Sorry. The WHOIS, whether

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there is a requirement to publish the existing allocated variants, but basically, as an end user, you face a similar problem with the variant. You also need to find out which variant exists. You could of course ask the registrar.

AMADEU ABRIL:

Yeah. But for instance, in Latin script, in it and all [inaudible], there is a number of variants, and you know that these are the ones, right? Now, diacritics, there is a much larger one, and you can combine many of them, etc., in a way that—I mean, how much time should I spend just trying to know how many versions of sebastien.example, with all kind of strange characters in E, A, B, S, T, etc., have been applied in all kinds of combinations? If there is a way in RDDS where these variants, let's say similar variants, are reflected, I think it's the case in the registries I work for this is the case, then I'm okay. If not, I repeat, I think it's a little bit hypocritical saying it's the responsibility of the claimant.

MICHAEL BAULAND:

Yeah. I understand that, but it's actually easier in our case, because the same entity, with regards to diacritic, only exists at the top-level, so you only need to know if there is another top-level that is linked to the one you are looking at. At the second-level, we just look at variants. So the problem to find the other variant is already kind of solved by the IDN EPDP's rules. So the only "same entity" principle we add if is in the case where the top-level is a diacritic. And there won't be hundreds of versions. You may have one or two. I think, therefore, it should be okay to request this also from the complainant, because the cases you

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mentioned is when we do have diacritics at the second-level. And yes, there can be many different cases, but we just decided with 1.3 that we won't require the "same entity" principle for those cases. Therefore, I think it's not an issue here.

Any other thoughts, comments? If not, I just heard that, yeah, we should keep the rule from the IDN EPDP and apply it to our case with an adjusted version, wording as usual. Could you put in the text, Saewon, please? Thanks.

Then the next one, we are looking at "ICANN should conduct outreach to all parties, resolution providers, registries, registrars, mark owners to enhance their understanding of gTLD variant labels and variant domain names. In particular, their potential impact on dispute resolution proceeding."

So it just says to teach all parties that variant exists and what the consequences of those are. Any thoughts, whether we want to have that in our case too? Sarmad, please.

SARMAD HUSSAIN:

Probably just similar to the previous one that in case "same entity" principle also applies to these new strings which are not variants, but connected to Latin diacritic PDP work, then the dispute resolution providers should be apprised of these cases as well in addition. Thank you.

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MICHAEL BAULAND: Thanks, Sarmad. Sounds sensible. Since we make no new rules here, it makes sense to tell people about those. So if there will be any disapproval of teaching people of what we decide here, so we can just use that here too. Thanks. Then the next one? Oh, Sebastien, please.

SEBASTIEN DUCOS: Sorry. I'm a bit slow here. Just a thought here. In this case, technically, on the previous pointer, anybody off the street can make a UDRP, but it just so happens that it's mostly IP lawyers that chase these sort of things, and they'll have tools to go and figure out what are variants of each other and etc., particularly because we have published variant tables, which, in our case, doesn't exist. The best we have is Mark's tool to figure out what is a diacritic of each other, what qualifies as a diacritic. I don't know to what extent. I mean, this is not something that has been peer reviewed in community and whatever, but to what extent it can be also put forward as a tool to figure out what could be a diacritic of each other in case they want to automate or something like that. I don't know to what extent that can be done again because it's just a tool that we've used internally, but I think it might help those people that develop those tools.

MICHAEL BAULAND: Thanks, Sebastien. I think this goes into the same direction Amadeu mentioned. The thing is, lawyers and others don't need to know what diacritics in theory could all exist, because the same entity is just on the top-level. So diacritics on the second-level are out of scope. That's the case. 1.3. It's just the top-level. And for that, they can just look at the

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IANA database or whatever to find out whether the current TLD they are looking at, whether there exists another diacritic TLD of that. I don't think it's big issue of knowing what potential diacritic versions could also exist.

AMADEU ABRIL:

Now you awaken the lawyer in me and someone who has been dealing with European. So you're telling me that I don't need to know in any way because we decided a technical rule about what the same entity and what's a variant and what's a diacritic, I don't need to know that sebastien.éxample with an accent in the first E register to the same person doing the same thing, right? I don't need to know that because this is not a variant. The social problem, if there is infringement, phishing, whatever, is exactly the same. And not telling me that, well, to feel there is no technical rule about that, it doesn't feel that match because now I find myself in a situation which I need a skill to check all possible diacritic variants. So yes, you're correct from a technical point of view, but again, we are being hypocritical in just exporting the problem to the outside people, those that are not registries and registrars.

MICHAEL BAULAND:

Yeah. Before I go to Sarmad, I'd like to try to put the lawyer to sleep again.

AMADEU ABRIL:

The lawyer has left the room.

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MICHAEL BAULAND: No, no, please stay. The thing is, this is nothing new. This is no new policy we do. Already now, look at .quebec or whatever. You have those diacritics which have to belong to the same entity. Even without this PDP, this is the case. So there's no change. And therefore, I don't think we need to make—

AMADEU ABRIL: The example of .quebec is not a good one because they enforce the same entity rule at the second-level for diacritics. So if you check out the RDDs, you will see which still the variants are activated. So you may easily check them, see whether you have the same problem with the use, and add them to the complaint, if necessary. If this is not enforced by the registry, which is what we are proposing, well, then this becomes more difficult.

MICHAEL BAULAND: Yeah. But this is also the case for every .com domain. If you have sebastien and sebastien.com, then you also need to know somehow if you are a lawyer, which other diacritic version of that could exist—

AMADEU ABRIL: Okay, okay, okay. It means that as we have some mess, we keep the mess. Okay. That's fair enough.

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- MICHAEL BAULAND: Yes. This is a narrow scoped PDP. We're not trying to solve all problems that already exist in the Internet.
- AMADEU ABRIL: I don't think we should create new ones, but here we disagree whether it's a new one or not. Yeah, okay. Let's just stop it here, Michael.
- MICHAEL BAULAND: Okay. Thanks. I think it's not a new problem we introduced. And the problems we introduced are the ones where the top-level domain is a diacritic, and for that, there is a solution. But okay. Sarmad had his hand up, but maybe we just encourage him to talk. Sarmad, please.
- SARMAD HUSSAIN: I want to raise the same point you did, Michael, so you've already covered. Thank you.
- MICHAEL BAULAND: Okay. Thanks. Amadeu, please. Is that a new hand? I think it's a new hand.
- AMADEU ABRIL: I lowered my hand. Sorry. If didn't, I apologize.
- MICHAEL BAULAND: Yeah, now it's raised. Okay. Then I think we can continue here to the next one. It's Final Recommendation 14. It says, "To account for the
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‘same entity’ principle and its implication for the variant domain name, gTLD registry operators should work with ICANN accredited registrars to determine a mechanism to communicate between each other to facilitate the registration and management of variant domain names, including an indication of the source domain name and initial source domain name of the variant domain set.”

So this basically asks to have some kind of EPP extension because that’s the usual protocol that the registrars and registries communicate that allows registrars to provide that information and to get the information from the registries. And for that, there’s actually Jim Galvin and myself are currently working on that EPP extension to solve the problem for the IDN EPDP case. And the question is how should we handle this here? Maybe, since I’m very much involved in the topic, I can take off my chair hat and provide some suggestion that the same EPP extension that is used for variants should also be used here in our case because we have similar or same entity requirement, and it would make life for registrars—and I’m speaking on behalf of the Registrar Stakeholder Group—much easier if they don’t have to implement a second extension or have a different way to manage this. So if we could agree on using the same way that would make life for registries and registrars much easier. Any thoughts about that? Sarmad?

SARMAD HUSSAIN:

I generally agree—thank you, Michael—with what you just said. Just a question, I guess, for my own knowledge. In that EPP call, one can just include two arbitrary domain names and make that connection. I guess I’m asking because, though that EPP is for two domain names perhaps,



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or it's connecting domain names using variants but now we're trying to connect domain names which are in a similarity kind of relationship, not really a variant relationship, so I'm just thinking the current structure of EPP which is being developed, is that easily portable to this scenario? Thank you.

MICHAEL BAULAND:

Yes, it's a good point. It's still in development, so I can take that back to discussions with Jim. Maybe that needs some rephrasing of words in the EPP extension to not call it variant, but call it connected or something similar. We have to think about that. But I really think that we shouldn't create a new extension here that registries and registrars would need to implement, that would endanger acceptance of this setup and our PDP rules. So if we try to follow the IDN EPDP variant things, it would make life for everybody easier. Bill, please.

BILL JOURIS:

Forgive me if I'm simply rephrasing what you're saying. But I think if we apply the same principle, just change variant to whatever we're calling this, they can use the same mechanism, and that should minimize the amount of difficulty for them in implementing this. Thank you.

MICHAEL BAULAND:

Thanks. But the good thing is here we don't need to define the exact technicalities. We just request that there should be a mechanism for registries/registrars to communicate this. And we might want to suggest that this could or should use the same mechanism that is being

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developed for variants, if possible. But there's not a policy part, how the technical implementation should be done. We just say we need a way to communicate the information. Sarmad, please.

SARMAD HUSSAIN:

Yeah, that could be an implementation guidance. Thank you.

MICHAEL BAULAND:

Thanks. Agreed. Okay. Coming to Implementation Guidance 15. "In order to allow a requester to discover the allocated variant domain names for a given domain name corresponding sponsoring registrar should accept requests for disclosure of this information. Unless there are data privacy concerns, the information should be granted. In considering whether to disclose the information to corresponding sponsoring registrar should balance the interest of the requester with those of the data subject where such balancing is required by applicable law."

So this just says that registrars need to provide a way to get to the information of what allocated variant domain names exist. And the question would be, do we also want a similar requirement that registrars should inform about which Latin diacritic labels exist that are kind of bundled by the "same entity" principle. Bill, is that a new hand?

BILL JOURIS:

Sorry, old hand.

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MICHAEL BAULAND: Old hand. But it was still raised, so sorry. What's your opinion about that?

BILL JOURIS: Okay. My opinion is that this basically can be slightly rephrased, but basically adopted pretty much as is. Thank you.

MICHAEL BAULAND: Okay. Thanks. Sorry for putting you on the spot. Sarmad, please.

SARMAD HUSSAIN: I guess generally the same. I agree with what you and Bill are saying. I just wanted to perhaps clarify, though the previous statement was for EPP, I just wanted to check whether this is related to EPP or this is more, I guess, RDS stuff.

MICHAEL BAULAND: Thanks. This can't be EPP because EPP is just the language between registries and registrars, and this is saying that other entities, end users, whoever, should have a possibility to find out which variants exist, and if they have a domain name, to have some way to find out which other domain names are allocated variants of that.

SARMAD HUSSAIN: Right. So that's, I think, an important distinction to make between the previous and this one, though, obviously this will apply, but it's really getting applied to a different system, not EPP. Thank you.

MICHAEL BAULAND:

Thanks. But that's already the case for the IDN EPDP, where the same distinction is necessary. I think I mostly heard that this should be applied to our case as well, with the same usual wording adjustment that are required, since we're not talking about variants but otherwise linked domain names. Thanks.

Final Recommendation 16. This topic is now about adjustments and registry agreement by the service transition and all that. It says, "If two or more delegated gTLDs belong to the same variant label set in accordance with the Root Zone LGR calculation, the root zone database on [iana.org](http://iana.org) must denote in a transparent manner their variant relationship and indicate which one served as a primary gTLD for calculating the variant label set."

This is basically coming back to what Amadeu requested earlier, that there must be a way for lawyers to find out which other domains can exist, and for that, there must be a public way to find out which TLD's variants of each other and are in the root zone. And the question is do we want this requirement to IANA also for our cases? If we do, of course, we wouldn't have the requirement to sign a primary TLD, because unlike the variant set for our diacritics, there is no primary because there's no disposition value between those. Yes, no, maybe? Quiet group today. "Yes to transparency," Alan says. So I'll take that as a yes. Any objections? No? Okay. Yeah, I also agree. "Just do it." Yeah, now you're waking up. Wow, the chat is exploding. It makes sense to have that information available to the public.

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Implementation Guidance 17. “gTLD registry operators should publish policies in a transparent manner that reflect their implementation of the EPDP IDN Phase 2 recommendations. In particular, such policies should reflect the implementation of Final Recommendations 1, 3 through 6, 14, and Implementation Guidance 2,” which we all remember what those are.

So basically, it just means that the registry should make public how they are dealing with what variants are. If we could quickly skip over those, 1, 3-6, 14. Bill already says, “This is more transparency, so just do it.” It sounds like we require this also for our cases with a tweak of wording that, of course, this is not about variants, but it’s Latin diacritics. But it makes sense to have that here too, or the policies they apply should be public.

Final Recommendation 18. “The existing process for developing and updating the IDN Implementation Guidelines, that includes establishing a working group of community experts and ICANN Org staff under the government of ICANN Board must be maintained. The process for developing and updating the IDN Implementation Guidelines must be formalized and documented to enhance its predictability, transparency, rigor, efficiency, and effectiveness. The ICANN Board will be responsible for documenting the process in consultation with ICANN community. The document process must be approved by ICANN Board, in consultation with the GNSO Council and the ccNSO Council.”

All these, 8 through 21, are all IDN Implementation Guideline-related. Bill says, “Give this to the same working group.” The question is whether this is really applicable, whether we actually have any—I mean,

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this just says that the IDN Implementation Guidelines, how the process to update that should be handled. Sarmad, please.

SARMAD HUSSAIN:

So IDN guidelines themselves are for gTLDs as well as ccTLDs, and they're normally developed by a group which has nominees from both GNSO and ccNSO. They're largely focused on the second-level implementation of IDNs. So, in that sense, I guess unless we want to talk about some second-level IDN implementation work that may have some overlap. Otherwise, this obviously is not going to be relevant. Thank you.

MICHAEL BAULAND:

Thanks. Satish agrees. He says it's not really relevant for us. And I tend to agree here too. We don't really have anything to say about the variant on the second-level. These are just policies that will be developed or changed, and this is describing the process for this, but this is not affecting our PDPs. Sarmad, please.

SARMAD HUSSAIN:

Eventually, if this group wants to do something not directly on 1.3, but would want the community to perhaps look at a more consistent solution that could be something which could be suggested for the IDN Implementation Guideline Working Group to take up whenever they choose to revise this. Thank you.

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MICHAEL BAULAND:

Thank you. We could put some suggestion or comment or whatever the official correct way to do this is to mention that the diacritics at the second-level are currently not really regulated, and that might be a possibility to be included in the IDN Implementation Guidelines, but that's just a suggestion and it's not really connected to our PDP, because, as mentioned earlier, these problems already exist now with single TLDs, with .com and others. Thanks. Sounds good.

Implementation Guidance 19. As part of documenting the process, this is just further defining how this should be done. Since what should be done is not applicable, I think it also doesn't make sense to think about it, how it should be done. Unless there's any other suggestion. This also applies for the 20 and 21 because this is all talking about these IDN Implementation Guidelines and how they should be changed. Seeing and hearing no objection.

I think, if I'm not mistaken, that was it, right? There's no further line below that one. Yeah. So with that, we have reached the end of Phase 2. Thank you, everybody. Great work, good accomplishment. But this does not mean we are done since we still have the TBD items, which we can start looking at now.

Before we go there, one thing I wanted to mention that might make our life with the TBD items a bit easier is to remind everybody what this PDP is about and what it is not about. So we are trying to create an exception process for one specific problem, namely the problem that if you apply for two TLDs or a TLD with an existing TLD, where those are diacritics versions of each other and are not the variant, then you can apply for them for each of the TLDs, but there's a high chance that one

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will be rejected because it's too confusingly similar. So we're trying to create an exception process in the sense that we want to avoid this rejection and make it possible for entities to apply for both of those TLDs. What we are not trying to do is to make any further rules that make this easier or to encourage people to do this even more than they would do if the rejection would not take place. So we're just trying to solve the problem with the rejection button, not making it easier than that. That's a general idea. Bill, please.

BILL JOURIS:

Perhaps I'm misreading this, but I think we might actually want to do something similar, saying the output of this working group is likewise the same exclusive source for what will be done with these similar cases. Maybe I'm misunderstanding what the recommendation is saying, but I think we don't want to leave too large an opening for somebody to say, "Well, we have this different list of similarities, so we're going to use that instead." Thank you.

MICHAEL BAULAND:

Yeah. I'm not 100% sure I understand it. Do you say we should make clear that the rules we create are just for this specific instance and should not be applicable to similar cases, or what was your idea?

BILL JOURIS:

I'm flailing around, so perhaps I'm best ignored on this. Thank you.



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MICHAEL BAULAND: Okay. Sorry about that. I didn't want to make you feel ignored. Sebastien, please.

SEBASTIEN DUCOS: To go back to the very first discussions that we had regarding what is a diacritic and what is not a diacritic, is this a good place to note that we've voluntarily limited ourselves to the definition of diacritics, and that whilst our recommendations only apply to it and can't be used with the examples that Tapani raised then, that we recommend that further groups maybe study those separately with the same sort of methods that we use to ensure that nothing gets broken when applied to them, rather than leaving it open and potentially something that people would contend on their own?

MICHAEL BAULAND: Yeah. I think, if I understood it correctly, you say that we should mention in our final document that this is restricted to the diacritics as it was in our—I'm missing the word.

SEBASTIEN DUCOS: In our charter.

MICHAEL BAULAND: Charter, yeah. Thank you. As it was defined in the charter, we're restricting it to diacritics, but we found similar cases that could have similar solutions, but which should be looked at at a different place,

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either with another PDP or by some other valid mechanism to make those policies. Is that what you mean?

SEBASTIEN DUCOS:

Yeah, that was my point. Again, to make sure that somebody understands that it's not like we're ruling out Tapani's examples, they just don't fit here and don't try to legally shoehorn it into what we did. We looked at it. We can't guarantee they fit, but do the homework and ensure they fit.

MICHAEL BAULAND:

Yeah, exactly. That's a good idea. By not making rules about them, this does not say that we say this shouldn't be dealt with at all. We just say we can't deal with it because it's not in our charter, but we think it's a sensible topic to deal with at some later point. But whatever the outcome is, it's out of scope for us. But it looks similar to our cases, something like that. Yeah. I think we can come up with some wording regarding that.

So with that, let's take a look at some of the TBDs we have left. The first two are the 3.4 and 3.25 and 3.5. This is regarding whether applicants should submit one application for all of their TLDs, or whether they should submit separate applications. So the variant case, it was decided to make sense to combine everything in a single application, which then makes creating policies for that applicant easier than distributing that over multiple applications. The question now is how do we want to do that if someone applies for two labels at the same time? Amadeu, please.

AMADEU ABRIL:

Okay. I would love to be able to do that in a single application with the other strings or a string, most probably we'll reach out, I guess, most of the cases with just one. But there are two problems here. The first problem is we are very late in the game. The second problem is, well, this still needs to go through the string evaluation process, and it depends on whether they are considered similar or not, probably. So I think that this should be formally two applications and then perhaps finding a way to say, well, they should be tied. They should be grouped in evaluation. They should be grouped in dealing with them and finding some solutions if they are found to be under the scope of our affinity, but it's very difficult to decide that beforehand probably.

MICHAEL BAULAND:

Okay. Thanks. Any other thoughts here? Basically, it would make sense to have a single application because that makes a legal wording easier with those labels that will then be bundled to be handled in the same entity. But it might be problematic if at the String Similarity Review later it turns out that, well, we don't consider those two to be confusingly similar, and therefore our PDP does not apply at all, and that those two labels could just exist next to each other without any additional rules. Any thoughts to that?

One thing we discussed in leadership team, I'm not sure if that's possible or if that's a good solution, but I could just suggest it here would be to have a single application, and by that already stating that those TLDs will be run with the rules of the PDP, and that the string

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similarity check would then not even be necessary. The advantage is that this would make the outcome of the application known to the applicant. If they applied to those TLDs with a single application, they know the PDP rules we create are applicable to them, and they definitely work with them, or else they could try to send two applications, but then they say they don't want to work with our PDP rules with the problem that the String Similarity Review could reject one of those applications, and then they have no way coming back to this PDP. So the ideal is to write with the application. Decide whether you want to use the PDP rules or you don't want to do that, use them. Amadeu, please.

AMADEU ABRIL:

Yes, I like your solutions. Statements would be much simpler, but the question is, are applicants allowed to opt out of any evaluation procedure even if they deem it necessary? I mean, I cannot opt out of Geographic Names Review saying, "Oh, no, wait. I am a Geographic Name, yes." But you should still go through that, yeah. So I like that, but the way the current Applicant Guidebook is written, I am not sure that you can just decide to opt out of one of these evaluations, even if I think that all Latin scripts with diacritics should be considered confusingly similar. That's my position. I am not sure is the position of the panel. So I am not completely sure that an applicant can decide to opt out from an evaluation. I don't know whether Steve or Sarmad have any view on that, but it will surprise me that applicants are able to do that.

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MICHAEL BAULAND: Thanks. That's a good point. I misspoke here. I did not mean to really don't do the String Similarity Review, because you definitely have to do that, because your string could also be similar to some other non-diacritic, whatever version. I just meant that the String Similarity Review Panel does not need to look whether those two labels which you are applying to, whether they are similar. That step could be omitted or they could check it, but independent of whether they find it similar or not, those two applications would go through as a bundle unless one of them is similar to any other, not part of the bundle. Does that solve your case, Amadeu?

AMADEU ABRIL: Yes. Any solution that goes in that direction solves my problem. My doubt is whether it will be considered compatible with the Applicant Guidebook by whoever has to decide that.

MICHAEL BAULAND: Okay. I don't know if Steve maybe want to chime in on that or not. Steve, yes? Thanks.

STEVE CHAN: Thanks, Michael. This is Steve from staff. I was waiting whether or not I wanted to jump in here. I may begin to propose a different way to think about this question. And I'd raised the point a number of meetings ago that it probably made sense to have applicants signal up front that they are planned to operate the gTLDs as ASCII and Latin diacritic pair because of the recommendations this group is envisioning about how to

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treat it contractually. So the way that maybe it's helpful to think about some of these questions is whether or not this group thinks that applicants for ASCII and Latin diacritics are making a planned and calculated decision versus just a reaction to string similarity. And I would hazard a guess that it's going to be the former in just about every single case. An applicant for ASCII and Latin diacritics know they're going to do that up front, and they are not waiting for a string similarity decision to decide to operate it in that fashion.

And so if you know up front, if applicants know up front that this is the way that they want to operate the gTLDs, then maybe you plan things differently, like this recommendation here, and maybe it makes sense to have them bundled up front because that is exactly what the applicant wants to do. And there's an intention at the end to have them contractually bound together. And there's probably also impact to the evaluation process. Just like I said, maybe just a different way to think about it is whether or not this is likely to be an intentional decision on the applicant's part. Thanks.

MICHAEL BAULAND:

Thanks, Steve. Yeah, that's basically the reasoning behind that. So the applicant at the time of application can take a decision, whether they want to use the rules and run those TLDs in a fashion where they are bound by the "same entity" principle, and thereby, right at the application, tick a box, whatever, and apply for those TLDs in the same application. Or the other way would be that they just see what happens and see whether they can run them independently, or whether they have to run them together. And I think I agree with Steve that it makes

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more sense that the applicant takes the decision by themselves and not wait for any outcome.

But I think we are already reaching our time, so I think it's a good idea that we introduced that suggestion here, and everybody can start thinking about it, what it means and what the consequences could be. And then next time, we can hopefully take a decision on that one. With that, I'll hand over to Saewon.

SAEWON LEE:

Thank you, Michael, for not forgetting me today. As I try to go to the next steps, please bear with me. Okay. This is Saewon Lee from staff for the record. And for the next steps here, you'll first of all see that there will not be a meeting next week, and this is due to leadership's absence next week. So for when we resume the week after, which is on the 30<sup>th</sup>, please continue to review the EPDP IDN spreadsheet, focusing on the TBD items now, and they will be flagged as red or orange.

Here you can all see that we have the next few weeks back on schedule again, and the meeting invites have all been sent out to you. So if you have not received them for the next few weeks, please do reach out to our staff at the GNSO sec's e-mail address, and we can get the meeting invites out for you.

And one more thing, just for the next few weeks, we'll focus on getting all the TBD items cleared and any other issues to resolve for Charter Question 3. And when we do, leadership and staff will also discuss when to resume for the review of preliminary recommendations, together with Charter Question 4.

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If there are no questions, I will hand it over to John.

JOHN EMERY:

Thank you, Saewon. Outcomes, we finished Charter Question 3. So bravo, everyone. So action items will be for staff and leadership to make a note on slide seven for the yilmaz dotless I example. And everyone's homework is to review the TBD items in the spreadsheet. Thank you so much. Michael, back to you.

MICHAEL BAULAND:

Thanks. In addition to that homework, also think about the suggestion by Steve and staff, whether we want to have the predetermined decision to apply the rules or not. With that, we are half past and I wish everybody a short holiday week with a break from our PDP, and hope to see you back in two weeks' time. Thanks. Devan, you may stop the recording.

SAEWON LEE:

Thank you. Bye.

**[END OF TRANSCRIPTION]**