
DEVAN REED:

Good morning, good afternoon, and good evening. For the recording, this is Devan Reed. Welcome to the Latin Script Diacritics PDP call taking place on Wednesday, 20 May 2026. 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 assistance is needed updating your statement of interest, please email the GNSO Secretariat. We do have apologies today from Alan Barrett. All 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 transcript. All chat sessions are being archived. As a reminder, participation at ICANN, including this session, is governed by the ICANN Expected Standards of Behavior, the ICANN Community Anti-Harassment Policy, and the ICANN Community Participant Code of Conduct. Thank you, and back over to our chair, Michael Bauland. Please begin.

MICHAEL BAULAND:

Thanks, and welcome everybody to meeting number 36. Also, welcome and thanks for joining 15 minutes earlier than the usual time. This hopefully gives us a few more minutes to work through the public comments.

The agenda is the same as in the previous meetings. We'll go through the public comments. Next slide, please. Next slide.

The key outcomes from the previous meeting were, well, administrative, that we would start at 13:00 UTC instead of quarter

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past. Since at least all of you who are listening to me are here, this seems to have worked. For PR1819, this was about registration and transaction fees. The majority of the working group was in favor of retaining the existing RECs and not changing anything, so we kept that. Next slide, please.

For the action items, we talked a bit about the PR29 high-risk scenario. Leadership and staff were asked to propose a new language based on Amadeu's suggestion to not allow the coexistence of ASCII and LD gTLDs independently. We'll take a look at that on the next slides. Then there is, of course, the ongoing action items to look through the public comments to prepare for the current meeting.

Since Sarmad is only able to join at the end of the meeting, we will postpone this PR29 discussion to later and now jump into the discussion about what has been on our agenda for quite a while, about some comments from ICANN Org that possibly Ariel could join for. She usually has to leave a bit earlier, so we never really made it to these. Next slide, please.

With this, we'll take a look at preliminary recommendations 35 and 36. 35 says an ASCII gTLD that is removed from the root zone, either voluntarily or involuntarily, will result in the ASCII Latin diacritic gTLD set no longer meeting requirements as described in preliminary recommendation 1. The removed gTLDs shall not be available for reassignment or selection by an entity other than the one holding the remaining IDN gTLD in the ASCII Latin diacritic gTLD set for at least 10 years following the removal. The gTLD registry operator may retain a single IDN gTLD and shall no longer be considered an ASCII Latin diacritic

gTLD set. This recommendation reflects the departure from final recommendation 8.10 from the IDN EPDP phase one final report. Recommendation 36 is basically the mirror recommendation, just stating that there may be a retaining ASCII gTLD and the LD TLDs will be removed, but also we said that they must be withheld for 10 years. Next slide, please.

So what is the public comment we received here? This one is from ICANN Org, and there was a request for clarification whether a 10-year cool-off period would still apply when the whole set must be transitioned to EBERO at the same time. The problem is that in PR35 and PR36, in the RECs, it says a 10-year cool-off period applies following the removal of a gTLD from the set. However, removal of a gTLD may result in an emergency transition to EBERO, and then per PR24, the entire set must be transitioned to the same EBERO at the same time. The working group action is consideration of this comment, clarification of the problem, and to revise if necessary.

Just a comment from my side here: in case the whole set is moved to EBERO, of course, there is no cool-off period because no TLD has been removed from the set. The 10-year period is only applicable if at least one of the TLDs that used to be active in the DNS were to be removed, and it is a safeguard so that this TLD cannot be allocated to a different entity, or operated as a separate TLD, which would cause confusion.

So my question is to Ariel, if that is okay if I put you on the spot: why do you think that the removal of a gTLD may result in an emergency transition to EBERO? Could you please elaborate a bit more on what the problem is you are seeing with these recommendations?

ARIEL LIANG: Thank you, Michael. Apologies for my voice, I am a little under the weather. I think ICANN Org's question is just regarding when this 10-year cool-off period kicks in if the EBERO transition happens to the set. Does that happen basically after the transition to EBERO? If it is transitioned to EBERO, then this 10-year cool-off period does not apply and it will not be applicable, basically. I am just trying to seek clarification on this.

MICHAEL BAULAND: Okay, yeah. As far as I understand it, as long as the TLD as a set remains intact, then there is no need for any 10-year cool-off period because EBERO is just another RSP. Well, it is a special RSP, but it is still required to handle these TLDs as a set. Anyway, no new registrations will be possible. For transfers or whatever, I am not sure if that was possible, but it would still require the same entity principle across all TLDs. The cool-off period just applies if at least one TLD is removed from the root zone, so it is basically not existing anymore and some entity could apply for it. As long as the TLDs are still with EBERO, no one could apply for any of the TLDs because they still exist. Does that clarify this? Should we write this down a bit more clearly, or is this still some issue with the RECs?

ARIEL LIANG: I will follow up quickly, Michael. Thank you for that clarification. I think that explains it, and if it helps, would it be possible just to record some of what you mentioned in the rationale or somewhere so that when

ICANN Org starts the implementation of recommendations after they get adopted by the board, we can remember what was clarified and there is no room for confusion in the future? It is just a suggestion. Thank you.

MICHAEL BAULAND:

Okay, great. That seems like an easy fix because the intention of the recommendation is okay. There is no issue with it. It is just that there had been some confusion about how it is meant, and we will just add some clarification in the rationale, and then this will be solved. Great. That's a quick one.

Okay. So I guess we can continue to the next. This one is about IG 11. It states, generally consistent with implementation guidance 3.9 of the IDN EPDP phase one final report, within 15 months of the delegation of the first ASCII gTLD string or the Latin diacritic gTLD labels that constitute the ASCII Latin diacritic gTLD set, and every 24 months thereafter, ICANN Org should conduct research in order to identify whether any additional criteria or tests should be used as part of the application process to evaluate the technical and operational capability of an applicant to manage the ASCII Latin diacritic gTLD set at the registry level. For LD PDP, this should not be treated as a separate research effort, but rather, if necessary, conducted together with the IDN EPDP research on variants per implementation guidance 3.9. Similar to EPDP IDNs, ICANN Org must offer the community an opportunity to provide input on the scope of the research to be undertaken, as well as any proposed outputs on additional criteria or tests, and such outputs should not be applied retroactively.

Again, here we have a comment from ICANN Org requesting a significant change on the intent and wording. The request is for a revision of the language to allow flexibility regarding the timing of joint research. The problem is that delegation timelines for variant gTLD strings and ASCII LD gTLD strings are currently unknown and depend on multiple variables. Combining research efforts may not be possible within the set timelines, nor be done in an effective manner. Consideration of the comment and revise if appropriate.

Again, if I remember correctly—please anybody in the working group, raise your hand or say something if I am remembering incorrectly—this requirement to do this as a joint effort was not really meant as a restriction. On the contrary, it was meant to help ICANN save some resources because most likely the work to be done is very similar. The working group thought it may make sense to combine this, but it wasn't meant to enforce a combination. If for any reason ICANN Org thinks that a combination is not viable or not possible, then we didn't want to force this. At least, that was my understanding. Anil, please.

ANIL KUMAR JAIN:

Thank you, Michael. Anil for the record. Here, the question from ICANN Org is whether they are estimating that the timelines which were indicated as part of EPDP IDN are difficult for them to maintain, or if the joint efforts are there at that particular time, they feel the time limit may be insufficient for them. In case the first is true, then they have to refer this to EPDP IDN rather than coming to LD PDP. Thank you.

MICHAEL BAULAND: Okay, thanks. Ariel, would you like to respond? Thanks.

ARIEL LIANG: Thank you, Michael. I don't think I can respond to Anil's comment because this hasn't happened yet for the IDN variant situation as there are no delegated strings. But this is for the future. I guess from ICANN's perspective, this implementation guidance has two components. One is this timeframe expectation, like within 15 months of delegation and every 24 months thereafter. And then also there is another expectation of a joint research effort. We are just trying to figure out which one needs to be prioritized. Is the timeframe more important than the joint research, or should the joint research be more important than the timeframe so that we know what to prioritize? So I guess that is the question. For example, it may not be possible to adhere to the timeframe and at the same time do this research jointly. But we are talking about hypotheticals because we haven't got any of these delegated strings, so we don't know what the future looks like. At the same time, it would just be helpful to understand which item to prioritize.

MICHAEL BAULAND: Thanks. Yeah. Good question. From my understanding, we just used the same timeframes that have been in place for IDN EPDP, and these have been approved, so they seem to be a sensible timeline. For the combined research, we just thought it would save resources because several criteria, tests, and findings will be the same because on a technical level, variants and LD sets are exactly the same for registries

and registrars. My suggestion would be to possibly adjust the first timeline for the LD PDP so it could match the IDN EPDP, and then the research could be done in parallel, as I think that would save some resources. But, yeah, I think the group wasn't very strong in the opinion that it has to be done together. So would that solve the problem if we say something like Tapani suggested, that this does not need to be treated as separate but could also be conducted together with, and then also say that the timeline is flexible enough or should be flexible enough to allow ICANN to do the research together if they think it's helpful? Any thoughts about these comments? I see some agreement in the chat. Questions to Ariel again? Okay, you seem to agree. So we will adjust the wording to be a bit more flexible here, both in the timeline to make it possible to align the research and also in the requirement that it doesn't have to be done together. But if ICANN thinks it's sensible, then it may be done together. Any other comments, questions regarding this comment from ICANN? Anil, please.

ANIL KUMAR JAIN:

Thank you, Michael. I agree with you. What you said is that we can slightly change the phrase saying that in case this is required for LD, then we can do it jointly. Otherwise, we may refrain from doing this research also. I think that will resolve the problem of ICANN Org. Thank you.

MICHAEL BAULAND:

Thanks. And I also think that is what the intention of this implementation guidance was, to give ICANN the flexibility to do this

together to save resources, but we wouldn't want to force this. Okay. I guess that's sort of the comment for IG 11. We can continue to the next slide, please.

Here we are with PR50. Oh, I see still a comment from Juliana. She agrees to the flexibility, but it would have a plus and minus. Would you like to still comment on that, or what is the disadvantage? If you like, you can elaborate. Okay, thanks. We might come back to that when you're available.

So back to PR50. This preliminary recommendation states, consistent with final recommendation 13 from the IDN EPDP phase two final report, ICANN Org must provide necessary information to dispute resolution providers, registries, registrars, registrants, and mark owners to enhance their understanding of ASCII Latin diacritic gTLD set and domain names of an ASCII Latin diacritic domain set, in particular, their potential impact on dispute resolution proceedings. Just as information, the IDN REC 13 was similar, but here it says ICANN Org must conduct outreach to dispute resolution providers and so on, and we changed this 'must conduct outreach' to 'must provide necessary information.' We'll take a closer look at the rationale first. The comment from ICANN Org here is there is a request for clarification. First, the intended scope of requirements and policy position. We'll see that in the rationale on the next slide, and the expected level of detail to provide. The problem here is the resulting implementation effort may be substantial if these terms are intended to encompass all finalized policy outputs of the LD PDP. The working group action is consideration of the comment, clarification of the intended scope, and to revise if appropriate. So, let's take a look at the next slide at the rationale.

This is just the important part of the rationale. It contains more, but we'll restrict to the part that ICANN commented on. The working group affirmed that relevant stakeholders should be effectively informed to enhance their understanding of the requirements for and the definition of the ASCII Latin diacritic gTLD set, identify the domain names comprising an ASCII Latin diacritic domain set, and be aware of the working group's policy position and the potential impact on dispute resolution proceedings. Then it goes on, but also to encourage trademark owners to consider these domain names when using existing mandatory rights protections to secure their verified legal rights in the DNS and to pursue further protection through marketplace rights protection mechanisms, RPMs.

In short, the LD PDP working group agreed that ICANN should assume a leading role in conducting outreach to stakeholders, and that accordingly, an expansion of the description 'conduct outreach' is required so that this action can be carried out with greater clarity and seriousness. Therefore, the working group changed this language to 'provide necessary information.' At this stage, the necessary information should include, one, the requirements of the ASCII Latin diacritic gTLD set and the ASCII Latin diacritic domain set, and two, the policy position determined by the working group. This aims to deliver clarity yet maintain sufficient flexibility for implementation. To remind, ICANN requests clarification about the intended scope of the requirements and the policy position, and the expected level of detail that needs to be provided. Any thoughts, comments? Ariel.

ARIEL LIANG:

Thank you, Michael. I just want to add a little bit of color to the ICANN Org comment. Basically, our ask or question is, I do not believe the working group is asking ICANN Org to explain every single recommendation to provide that level of detail in this outreach. The necessary information to provide is not to explain every single recommendation. It is more focused on the principle, the same entity principle, at the top and second level. To my personal understanding, that's the part that constitutes the necessary information. We just want to make sure we're aligned in that understanding. Also, the policy position point is slightly vague. We don't understand whether it's something else or if it just means the same entity principle, so that's why we're slightly confused by this language. That is why we seek more clarification from the working group and try to understand what constitutes the necessary information and whether it can be as high-level as possible, or if it really has to go down to the detail of explaining every individual recommendation from the PDP.

MICHAEL BAULAND:

Yep. Thanks for the clarification of the comment. I guess you are finished, right? I didn't want to interrupt you. Cool. Any comments to Ariel's or ICANN Org's request? Do you agree with her assumption of our intended meaning, or do you think this is something different? Mark says our meaning seems clear enough. And Satish, 'I thought the information requirement is bounded by and their potential impact on dispute resolution proceeding and is not completely open-ended.' Okay. Any other thoughts or comments? Give us a few more minutes since it's quite some text here to digest. Someone suggests clarifying this in the resume to resolve-

AMADEU ABRIL: Sorry, Michael. This is Amadeu. I lost connection for a second.

MICHAEL BAULAND: Yes.

AMADEU ABRIL: What's this meditation time that we have now?

MICHAEL BAULAND: Oh, it's just a break because we started early. No.

AMADEU ABRIL: Okay.

MICHAEL BAULAND: It's a lot of text to digest here. It's about the rationale for preliminary recommendation 50, where we have requested some additional-

AMADEU ABRIL: Okay, so it's the same issue we were on. Okay, thanks.

MICHAEL BAULAND: Yeah.

AMADEU ABRIL:

Simply, I lost connection. I don't know where we were now. Thanks.

MICHAEL BAULAND:

Yeah, it's all right. So the suggestion is we will try to change the rationale to cover the questions raised by Ariel, and hopefully in a way that is still with the intended meaning of recommendation 50 as created by the working group. Then we can read through the new rationale next week and see whether Ariel thinks that this clarifies the questions raised and whether the working group agrees that this is still the intended meaning. Seems like a good approach to me other than trying to come up with some sentences and changes here on the fly. It's easier to write something offline and then see whether that fits. I see some agreement here by Anil and Satish, so I guess we can postpone this then to the next meeting.

Seeing that Sarmad has joined right on time. Hello, Sarmad. Great. Then we can go back to slide seven, I think it was, about the PR29 discussion we have had last week. So, we have talked about a few possibilities to raise conservatism in this context. And now we've got three options here, which I will shortly repeat again. We've discussed those options in detail in the last meeting, so just as a summary for you to remember.

We have this one option, which is a proposed new language, which has been suggested by Edmon, which would read something like, 'Each Latin diacritic gTLD string included in an ASCII Latin diacritic gTLD set shall be assessed on whether a high-risk scenario may arise, and where the set exceeds a threshold of some number of Latin diacritic gTLD strings, a high-risk scenario evaluation shall be automatically triggered during the

application process. This evaluation will initiate a structured step-by-step review process to account for unforeseen or unknown conditions, and to implement heightened risk mitigation measures.' This was one suggestion.

Another suggestion was to add something to recommendation seven, which is about the answers that applicants have to provide in case they want to apply for an LD TLD set. There have been four questions or topics they have to provide answers to, which have been copied from the IDN EPDP. We agreed that these make sense in our case, too. The suggested change is here to add a fifth question or topic where the applicant will need to provide answers during the application process. And that could read something like, 'A description of how each string promotes usability and how the applicant will account for and/or mitigate potential adverse impacts on end-user confusion arising from inconsistent use of relevant code points across different TLDs and LD TLDs.' Next slide, please.

Then last week we had another suggestion, which originated from Amadeu, and that would be to include a new recommendation, which would read something like, 'The string similarity evaluation panel should not permit any ASCII and its corresponding Latin diacritic gTLDs to proceed independently through separate applicants. Such gTLDs may only proceed collectively as an ASCII Latin diacritic gTLD set by a single entity.' As a background here, one problem about user confusion was that in theory, it is possible that next to TLDs, which will be applied for in such an LD set as we've defined it, there could still be TLDs which are diacritics of each other, but which are applied for independently. In case the string similarity evaluation panel does not find them confusingly

similar, they would be allocated in the root zone to different entities. While this is not likely, it's not impossible, and the suggestion here was to make a recommendation that requires this and not make this a subjective decision of the string similarity evaluation panel. Next slide, please, and then we can start the discussion here if there are some questions or comments. I'll go to the hands in a minute.

Just as a summary, these are the three options we have here, in a different order than we presented them, unfortunately. But we have this option one, which is the additional recommendation suggested by Amadeu. We have the recommendation language for a high-risk scenario, and we have the recommendation language for additional justification. The nice cats you see below here is not a decision that has been taken, but this is just what we as leadership and the ICANN team took out of the discussions from last week. But we would still decide on this now. But first, let's go to Amadeu, please.

AMADEU ABRIL:

Oh, sorry. I was starting my video instead of my microphone. In any case, as I said last week at the very end, I think that the different proposals address different issues. All are compatible, and I would be in favor of all three. But I think that they belong to different places, because logically, the first that would come here is the one referring to what the applicant should do, which is provide justification for the multiple diacritics. The second one is the one addressed to the panel in the sense of enforcing all Latin diacritics to be considered as confusingly similar. And the third one is for those cases in which there are multiple Latin diacritics. Yes, there should be a specific review of these multiple

diacritics not creating additional problems. But I think that they are compatible in principle. I will be in favor of them all.

Regarding Edmon's suggestion, I think that the number of diacritics, diacritic TLDs or not, is not there. I think that anything beyond one diacritic should be treated as a special case because it's not the norm. The norm is that you will have the ASCII version and the corresponding diacritic version. If you need more than one, well, I think there is a need for a justification, a need for evaluation. Thanks.

MICHAEL BAULAND:

Thanks. Amadeu, I agree, and that was the intention. The three suggestions are not mutually exclusive. We can vote to implement all three of them, we can vote to implement none of them, or any one or two of them. So we would discuss the three suggestions or vote on them and see how that turns out. Bill, please.

BILL JOURIS:

Bill Jouris for the record. I like Amadeu's suggestion, not least because I can at least understand what is required. The problem I have with the other two is, as I mentioned in the comments, it's not clear to me what we would consider adequate justification from the applicant. I'm trying to figure out if somebody just says, 'Nope, I don't think it's a problem,' is that adequate? Or do they have to have some elaborate discussion of why they think it won't be a problem? The other two feel a little too open-ended for me. If I was applying, I'd look at that and go, 'What am I supposed to say? What is the justification here? How do I mitigate something when I don't understand what's required?' Thank you.

MICHAEL BAULAND: Thanks. Yeah. The exact details of how these questions of 7.1 through 5 would be evaluated is out of scope here, as they have been out of scope for the other four. You could ask the same question: how would you need to answer 7.4 or 7.3? This would be dealt with by a different process. But still, it's a valid question whether it is sensible to require this, or whether we are better off, or whether it's sufficient to do something else, or possibly even none of these. Amadeu, please.

AMADEU ABRIL: Okay. Trying to answer Bill. As much sympathy as I have for using Latin diacritics, which are crucial in the five first languages I speak before English, if you don't know why you want diacritics and you don't know how to explain why different versions of the same diacritics are somehow useful, and you don't know what the problems are that this could cause, perhaps you shouldn't be applying for those diacritics, frankly. If dot Quebec wants dot Quebec with an acute accent, they have a very good explanation for that. If they want also that with a cedilla at the end and with E with a diaeresis and B with a stroke, and simply because they have some money to burn, well, the risk, as somebody has said here, is that we introduce some kind of large number of arbitrary variations of the same TLD. We are, instead of solving a problem of confusion, we may be creating one. But perhaps there are very good reasons for doing that. Let them do it. But if you don't have any idea why you're doing something, better don't do it.

MICHAEL BAULAND: Thanks, Amadeu. Could we go to slide nine again, please? Then, okay, one coming from Bill still, and then we'll go to the raise of hands, who is in favor of which of these additional changes to be a bit more conservative, if any. Bill, please.

BILL JOURIS: Just to respond to Amadeu, I don't see the problem as someone having to justify why they want it. I see the problem as somebody trying to explain why they think there is or isn't a conflict with some other hypothetical use. I want Quebec plus Quebec with the accent, and I can explain why I want to do that. But if somebody else wants to do a different word with the letter separately and the letter with the diacritic is totally unrelated, that seems to be the confusion we were talking about here, and I'm not at all clear what we would consider adequate to address that. So I see them as very different problems. Thank you.

MICHAEL BAULAND: Thanks, Bill. Yeah. I would suggest to look at each of those proposals and, with a raise of hands, see what the temperature of the room is, what the general opinion about these recommendations is. If a large majority, for example, is against it, there's no need to discuss in detail how the exact wording should be or how this should be done, at what place it should be done. This is only necessary if at least a majority or a small majority is in favor of that. So to avoid unnecessary discussion, we want to try to find out what the working group's opinion is about these three suggestions here. As said before, each of them is independent of each other, and therefore, you could be voting for or against each of

them. We could implement all three, or we could implement none or any part of that. I saw your comment, Amadeu. We'll count that accordingly. I see Pitinan's comment here: 'When there are too many arbitrary choices of TLDs, the end user may face the situation that they need to do too many preventive registrations.' Thanks.

So let's first take a vote or raise of hands for the suggestion by Amadeu, which is presented here as option one, an additional recommendation that does not permit independent applications for ASCII and Latin diacritic gTLDs in the future, meaning that the string similarity evaluation panel would be forced to consider these TLDs confusingly similar and either put them in a contention set if applied for at the same time, or reject them if some of the TLDs already exist. So if all who are in favor of this could raise their hands or do the yes button. I'm not sure if that's available. Yeah, it is. And all who are not in favor could do the no button, the red button. So far.

BILL JOURIS:

There's a note in the chat that Amadeu is a yes. Apparently, he can't get to the buttons.

MICHAEL BAULAND:

Yeah, I know. I count Amadeu in favor of all three. So we have not so many votes in total here. Bill is against, Amadeu is in favor. Tapani is against. Well, the reason for this, Tapani, is that this would give a more clear outcome that the users will know if there is a diacritic version of a certain TLD, then they can rest assured that all domains will belong to the same entity because they are not allowed to be allocated as

separate TLDs. Without this, even if unlikely, it might be possible, and therefore it could increase confusion if that happens. That's the reason why this was suggested. Yeah, I think I saw one or two yes and one or two nos. That's not too many. Okay, still once as a summary here, not permitting independent applications, the suggestion from Amadeu, we have three yes and two nos, so a very small majority is in favor of this. Yeah, exactly. What Bill says is that what it comes down to is that if you have an ASCII version, every diacritic is effectively blocked, or vice versa. If you have a diacritic, the other diacritics and the ASCII are blocked. This is likely already now happening because the string similarity evaluation panel, the data it uses already suggests them to take this decision, but they could make exceptions if they think this is required. Bill, please.

BILL JOURIS:

I would disagree with you to the extent that some diacritics are totally unlike another. For example, just to take one wild example, a dot below is not going to be confused with a dot above. So I don't think similarity is automatically there for everything. Thank you.

MICHAEL BAULAND:

Okay. Good. So we have three in favor, two against, so quite a mixed reception for that. Then taking a look at the option two, this is the recommendation for a high-risk language, so to introduce something that would make under certain circumstances—for example, the number of TLDs in the set, but possibly also other reasons—trigger a high-risk scenario that would require some additional evaluation checks.

Who is in favor of that? Please put a green mark or raise your hand. And who is against it? Please put a red mark or like Tapani did, do a thumb down. At the moment, we have Satish and Amadeu in favor and Tapani against this. Bill is abstaining because it's not clear enough. Any other opinions? Three votes out of the working group of 20 people. Not so many. You all don't care, or Bill reasoned why he abstains. It's not that he doesn't care. Okay. Oh, one last minute no from Louis. So we have two yes, two no, also quite a split vote here. Amadeu says three votes and no vote is basically the same. We should find a solution to that low level of voting, perhaps via the email list. Yeah, I don't know. Mark is in the 'not care' camp. Let's try the third one, whether this gets some more opinions here. This is the additional language in these points where applicants have to provide answers to questions, so additional justification language. Who is in favor of that? Please, green button or thumb up or something that is understandably a yes, or red button, thumb down if you're against it. I see Bill and Tapani against. Amadeu mentioned already he's in favor. There was a Louis against. Tapani is opposing because he thinks the language isn't clear. Okay, I think here we have a bit more clear opinions, with three against. Yeah, and Anil also needs more clarification. I guess we take these opinions and votes back to the leadership team and discuss what we do with this, whether we can provide some more information to make it possible for people who haven't voted so far or to have a different way to vote for this if maybe this is not working. So at the moment, there's no real clear result available with just two, three, or four votes and very similar, and we'll discuss this. Oh, and it says another vote for yes for option one. We'll discuss this at the leadership call tomorrow and get back to you next week with how to proceed here. With that, I think we can go to the

work plan. No, I think we should go to the next... I think the plan was to go to this Excel sheet, right, to go through the next public comments, or-

SAEWON LEE: Yes, Michael. Well done, everyone. We actually finished everything that was in the work plan today. So we don't have anything remaining in the slides, and we will go directly into the sheet and just move on to the next comments that we received, if that's okay with everyone and Michael?

MICHAEL BAULAND: Yep.

SAEWON LEE: Yeah, okay.

MICHAEL BAULAND: Will you take it from here, Saewon?

SAEWON LEE: Yes, I can.

MICHAEL BAULAND: Thanks.

SAEWON LEE:

So, because we have finished everything in the work plan, we have finished everything that we prepared for today. We'll look at the comments through the worksheet for the remaining 30 minutes.

One thing I do want to note is whether or not the comments are, let's say, condensed into slides for your ease or we go through the sheet itself, it is expected that the working group looks at the comments in its entirety. So I just want to make sure that everyone does have an opportunity or do their homework to make sure that this sheet with the comments is reviewed. I am hoping that this sheet isn't the first time for everyone and that you've all looked into it.

With that, we will go straight into recommendation 14 as the next one. We're choosing this as the next one because this was one of the straightforward comments that we wanted to actually review at ICANN85 as well. So we will go through that today. I know we're jumping back and forth, but hopefully after this, I think we'll go in order.

For this recommendation, we received a comment from IPC on .brand requirements. Just as a refresher, I would like to read the recommendation for you. I know it's quite small, but I will actually share the sheet with you in the chat. Please go to the Rec 14 tab and you can see the language on your screen if it's too small for you, but it's here.

Preliminary recommendation 14: Consistent with final recommendation 3.16 of the EPDP IDNs phase one final report, all gTLDs that constitute an ASCII Latin diacritic gTLD set must be subject to the same application requirements and evaluation criteria. With respect to the three non-standard application types of gTLDs as identified by the SubPro PDP, this

means that 14.1, an applicant for community gTLD strings that constitute an ASCII Latin diacritic set is required to submit a written endorsement for each label that constitutes the set from established institutions. 14.2, an applicant for a geographic name TLD string that constitutes an ASCII Latin diacritic set is required to submit documentation of support or non-objection for each label that constitutes the set from relevant governments or all public authorities. 14.3, an applicant for a .brand TLD string that constitutes an ASCII Latin diacritic gTLD set is required to submit proof that each label that constitutes the set is identical to registered trademarks owned and used by the gTLD registry operator or its affiliate.

With that, I'm going to show you the IPC's comment, which was under 'significant change required.' They requested that the intent and the wording be revised, and you can see it here. I know it's very small for you, but please do access the comment through the sheet that I shared. The IPC requests the working group to consider and take action on a trademark law characteristic that may have been mischaracterized, and this is related to the 14.3 portion that I just read to you. We actually don't have an IPC member here in our group, so obviously not on our call. Staff actually consulted with legal experts within the team as well as legal on this matter in the background, and they commented that... I'm sorry, my dog is barking in the background. I hope none of you hears this. Sorry, I'm just pausing. Okay. They, as in, sorry, the IPC comments that a brand owner owning a registered trademark containing a Latin diacritic should not be required to own registrations for all variations containing other Latin diacritics, or a base ASCII label with no diacritics, and that it is unreasonable to expect a trademark owner to hold

registrations for all such variants of its actual mark. They would also like the rationale portion where it states, 'Thus, under trademark law, the rights are attached to one distinct mark limited to an exact match,' to be corrected as it mischaracterizes trademark law.

To put it simply as an example, again, because I'm not a lawyer in this, I was told by a legal expert that if someone registers the trademark, for example, 'say1.cafe', they would not have to register for 'say1.cafe' with an acute accent at the end, and that these would be considered the same mark and prevent others from adopting variations of the mark. With this, before I open it up for discussions with Michael—the reason that we saw this as straightforward was the way that the working group could move forward with this is a correction in the rationale language as well as clarification in the policy language itself. This is related to the fact that while, because of the trademark law mischaracterization—and I know Amadeu is coming in to save the day, but before that, just to conclude—we could delete the mischaracterized rationale language. Then, while IPC is correct, when consulting our legal in the background, we were also advised that ICANN Org's policy can be actually different from trademark law, and we can actually put a more strict rule for our policy. So for us, in the LD PDP, to be consistent with the rules in the EPDP IDNs and the language, and for all additional domains to have the same requirements, the easy solution could be to just revise the policy language to be consistent with the EPDP IDNs one, as currently it's a bit different. To finish off in that EPDP IDNs point, the EPDP IDNs language currently states—and I wish I had a slide for you here, but basically, to be consistent with the EPDP IDNs language—the current language would be updated to become, 'its applied-for ASCII gTLD and Latin

diacritic gTLDs that constitute the sets are identical to registered trademarks owned and used by the registry operator or its affiliate.' These are the two paths forward that we could take. Just to summarize, the first one: deleting the mischaracterized trademark law in the rationale; and secondly, updating the policy language to be consistent with the EPDP IDNs rule. With that, I am going to hand it over to Michael. I know Amadeu is in the queue, so I'll hand it over to Michael. In the chat, I'll leave all the language that I mentioned for you.

MICHAEL BAULAND:

Thanks. Amadeu, please go ahead.

AMADEU ABRIL:

Okay, thanks. I think that my esteemed colleagues of the IPC are partially correct. It's absolutely clear that if you have a trademark with a diacritic, you should not be forced to register the trademark in the base ASCII, which probably would be a misspelling or simply a name that you are not using. But we know that in the DNS, ASCII has been the rule, is still the rule, and there is even a normalization process for TMCH, et cetera. So, in that sense, it's correct. They are also correct that if you have 'cafe' without the acute accent on the E, you don't need to register with an accent on the E in order to be protected. Another question is whether you have a right to use that, which is not the case. You are protected against confusing users with your trademarks. It doesn't mean that you have an exclusive right to everything else.

So my position here would be, yes, if you have a trademark with an accent, you can register the base ASCII without that requirement to

have the trademark because it doesn't make any sense in trademark law. But if you also want other diacritics for which you don't have the trademark, here I'm less convinced, because trademark law only excludes others from using that but doesn't give you any right to use it. This would be somehow against the idea of what a .brand TLD is. But we would then have that distinction between the base ASCII and other diacritic variations for which you don't have the trademark. Again, this goes back to my initial proposal in the last point. In fact, nobody else should have that. They should be protected for that, but it doesn't mean...

MICHAEL BAULAND: Is it me, or is it Amadeu?

JOHN EMERY: Amadeu, it looks like you cut out.

LOUIS HOULE: Yeah, we lost him.

MICHAEL BAULAND: Okay. Good. Amadeu, are you still there?

AMADEU ABRIL: Sorry, I got an incoming call. I don't know what happened. I was trying to mute something, but I don't know what I have muted in the process. Sorry.

MICHAEL BAULAND: You muted us.

AMADEU ABRIL: Oh, okay. But I think that the point was clear before it was interrupted by the call that, yes, for the ASCII without the trademark. I'm not really sure I would say no to other diacritics without the trademark, because this is not what trademark law says.

MICHAEL BAULAND: Okay, thanks. Tapani, please.

TAPANI TARVAINEN: Hi, Tapani speaking. I'm just wondering—this may not be a real issue, but it's possible that, say, the base ASCII version or one diacritic version is a community string and another version of the same name with a different diacritic is a geographic name, and maybe a third one a .brand name. Should we need some language to make sure that this kind of situation... I guess this may not be relevant, but I'm thinking, is it not exactly clear to me that they should... how, what kind of endorsement or documentation would be needed in this case, and if they cross-check them somehow? It's perfectly possible that adding diacritics turns a geographic name into a community name or vice versa or something.

MICHAEL BAULAND: Okay, thanks. See, someone put something in the chat here. The rationale language in question is, 'Thus under trademark law, the rights are attached to one distinct mark and limited to an exact match,' and the current language could be updated to become as below to be consistent with the IDN EPDP, which states, 'its applied-for ASCII gTLD and Latin diacritic gTLDs that constitute a set are identical to registered trademarks owned and used by the registry operator or its affiliates.' So this change, which would then make us consistent with the IDN EPDP, seems to solve the problem. I'm not a lawyer myself. I don't know too much about this. But would this work for everybody to change that language as suggested?

BILL JOURIS: That change works for me.

AMADEU ABRIL: Sorry, Michael. I think it would be a good idea to check with the IPC whether they think it's solved. I do think it's solved, but perhaps, as someone has said, we don't have any representative here, so perhaps we could take that precaution before closing that issue.

MICHAEL BAULAND: Okay. Thanks. So we have a few agreements to go with the suggestion by Amadeu to also check with the IPC. Yeah, so we can change this accordingly and reach out to the IPC and check whether they are okay with that. Since it's the recommendation in the IDN EPDP, it seemed to be okay with them, otherwise they would have objected to that too, but

still we can reach out and check this. In general, everybody seems to be okay with this. No objection per se. That's good. So, good. 12 more minutes. Saewon, think we could still do one more?

SAEWON LEE: I am wondering if we want to do one more or just finish early today, just because the next set is a bit more time-consuming and contentious in the sense that it's related to recommendation 1 and 39. We can't really go into the next ones unless 39 is resolved, which is related to the second level. What should I do?

MICHAEL BAULAND: It feels a bit unfair to Bill to start 15 minutes earlier to get him out of bed and then stop 15 minutes earlier to give him 15 minutes of sleep back.

AMADEU ABRIL: Let's move to fight on 39, come on.

BILL JOURIS: I'm being smug about the whole thing, but it's not a major issue for me.

MICHAEL BAULAND: Bill wouldn't sue us if we finish a bit early.

SAEWON LEE: I think I heard Amadeu wanting to go on to 39. Is that what I heard?

AMADEU ABRIL: It was sort of a silly joke. I want a longer battle than just 15 minutes for that one.

SAEWON LEE: Yes, that's what I'm a bit afraid of.

MICHAEL BAULAND: So maybe we could just quickly show the group what next RECs we want to look at. This is 1, 40, 41, 47, 48. Just as a reminder so that everybody could prepare for the next meeting. We have done 18, 19, 35, 36, 11, and 50. PR29 we are discussing tomorrow in the background. PR14 was what we have just been looking at and which we agreed on, but checking with the IPC. For the next meeting, it would then be PR1, which is basically the definition of the diacritic set to be revisited, and then 39, 40, 41. I have to admit I have to look up what that was again.

SAEWON LEE: Michael, what I can do-

MICHAEL BAULAND: Yes.

SAEWON LEE: Quickly, maybe so that we can continue next week with 1 and 39 straight away. Again, because one, we are stuck on the path forward,

and this can only be resolved after the high-risk and end-user confusion language is sorted, I can just quickly introduce the comments received for 39 for the working group.

MICHAEL BAULAND: Okay, great. Yeah.

SAEWON LEE: Does that help? Okay. Again, no slides for today and we'll go directly into the sheets. Again, back to the sheets.

MICHAEL BAULAND: So that everybody can already start thinking about the comments and hopefully have an opinion next week.

SAEWON LEE: Yeah. So again, finally, we are here at preliminary recommendation 39 and the second-level rules. Starting from here, it will all be related to the second-level rules. Let me read the recommendation again to refresh all our memories for next week.

Preliminary recommendation 39, building on an ASCII Latin diacritic gTLD set as defined in preliminary recommendation 1, an ASCII Latin diacritic domain set is defined to include 39.1, a label and all its variants within a given TLD, as determined by the second level LGRs for that given TLD, and 39.2, the same labels and all their variants across all other TLDs within the ASCII Latin diacritic gTLD sets. There are a few

comments. First of all, if you can see on this screen, there were a few supporting recommendations as written, but I just wanted to note to the working group members for their awareness. One was a comment from ALAC. Again, obviously, if this is wrongly characterized, please do comment within the sheet, but the ALAC categorization was made by staff based on what was received. ALAC stated that many LD PDP safeguards operate invisibly to end users, particularly where diacritic domain names are withheld, and while often beneficial, the unexplained unavailability may undermine consumer confidence, and that it encourages clear and accessible explanations when domain names are blocked or unavailable due to LD PDP-related rules. This relates especially to the end-user understanding regarding the second level, which obviously specifically relates to this recommendation 39, 40, and 41. That was a comment from ALAC that I just wanted the working group's awareness of.

Then, if you look into the ICANN Org's comment under this beige: supporting recommendation intent, but with a change in the wording. There were two comments, actually. The first was related to ICANN Org suggesting adding the term 'second level' before the word 'label,' which now has to be changed to 'string' in the output language to enhance clarity, rather than relying on our footnotes rationale or the glossary to convey this distinction. Again, these footnotes, rationale, and glossary inputs were made under the working group's agreement, but obviously this was raised as another comment. The second was with respect to Figure 3, and I'll actually show that next week through the slides. Basically, Figure 3 was related to explaining how our domain set works, and it's actually in the report in the rationale section. The suggestion

was to add further explanation text to assist readers who may be unfamiliar with the working group's deliberations. Obviously, this is quite a straightforward ask, if the working group agrees.

Then, related to a much more substantive comment, which is under this red, as you can see here, the comments came from ICANN Org again. The first one is kind of our ongoing discussion related to mitigating the risk issue. The second one is related to the definition and treatment of the ASCII Latin diacritic strings at the second level and how it differs from the top level. Overall, ICANN Org is encouraging the working group to consider whether the definition of this domain set should be aligned with that of the gTLD set that we have defined in PR1, and whether additional measures could be developed to mitigate potential registrant and end-user confusion. Similar but different, but basically these were the comments made by ICANN Org, and overall for PR39. I know we're not going to open up for discussions, but I'm going to give the floor back to Michael.

MICHAEL BAULAND:

Yeah, thanks. So the critical one for everybody is the problem that we said: while variants at the second level, of course, have to belong to the same entity, we have not created the same requirement for diacritics at the second level. We discussed this, and we decided that this would be left open to the registry policy. If they want to, they are free to make diacritics at the second level also be required to belong to the same entity, but they are free not to do this. This is what ICANN Org here requests as a discussion point: whether this is a sensible approach. With just two more minutes, we'll not start the discussion here, but you can

already think about this, and then next week we can discuss this in detail with examples and some more slides there. With that, I hand it back to Saewon for a wrap-up and next steps.

SAEWON LEE:

Thank you, Michael. I don't know if there is any point in going back to the slides now, but I am going to go back to the work plan, just to leave on record what Bill is requesting. We can definitely condense this for you through the mailing list. We obviously had these all prepared through slides, but we progressed faster than usual. I'm sorry that we couldn't show a more condensed version through the slides today, but obviously, I'm happy with the progress that we're making. That said, I do, again, want to emphasize that the working group does review all the comments in their entirety through the tool. So, with that said, that is one of the next steps that the working group needs to make sure is done.

Through the work plan, you can see, and Michael also mentioned before, for next week, we will obviously finalize the option/language for the high-risk mitigation and end-user confusion issues. But once that is concluded, we will go straight into concluding language for PR1, or let's say the path forward and language for PR1, discuss PR39, and then 40 and 41. With the extension of our time and seeing how we are progressing, I'm guessing we might be able to cover 47 and 48 as well. So we'll get that prepared for next week and see how we go.

MICHAEL BAULAND: And with that, I guess we have to finish the meeting unless... yeah. Then thanks, all, for the great contribution and see you all next week, again at the top of the hour. Devan, you can stop the recording, please.

[END OF TRANSCRIPTION]