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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the Latin Script Diacritics call on Wednesday, 24 June 2026. We have no apologies today. 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 statements of interest, please email the GNSO Secretariat. All documentation and information can be found on the Wikispace. 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 in 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, Devan, and welcome, everybody, to our meeting number 38. I hope those of you who've been in Sevilla had a good and safe trip back. Was great to see you in person again. And with that, next slide, please. The agenda is still quite similar to what we've been doing previously, looking through the public comments and, yeah. Next slide, please. Next slide.

What have we achieved last time? First of all, we agreed on the PR1 updated language, so now we have extended our character base because we have been missing some diacritics in the original PR1 definition, and thanks to Tapani for pointing that out. We now have a

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better and more complete set of diacritics. Then we talked about PR39 and PR40 about the same entity principle. In particular, what about diacritic characters on the second level? And we agreed to include them in the same entity set. We still need to adjust the languages for that, and we will take a look at that right after this. And then we had this Recommendation X, which we still had to complete. And then there's the Board input on PR18 and 19, which I just forwarded to you an hour ago. There's been an official Board statement, and we will be discussing that too. Next slide, please.

So with this, back to PR39 and the definition of the Latin diacritic domain set, so the second level domains. We need this definition of the diacritic domain set to later define the same entity principle, which is for all those domains in this diacritic domain set. And the recommendation reads, "Building on an ASCII Latin diacritic gTLD set as defined in preliminary recommendation one, an ASCII Latin diacritic domain set is defined to include, one, the same labels and all their variants across all other TLDs within the ASCII Latin diacritic gTLD set. Two, a second level label and all its variants within a given TLD as determined by the second level LGRs for that given TLD. And three, all diacritic variations corresponding to point two, where diacritic shall be subject to the requirements set forth in final recommendation one." So the set of diacritics for which our PDP is applicable, which we have defined in rec one, we said that the same set of diacritics at the second level should also be included in this diacritic domain set, so that we don't have some inconsistency between top level and second level in this context. Any questions so far? Content-wise, we all pretty much agreed to this. We just had to find wordings that match this definition. I

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see none, then we can continue to... The question is now, how do we do this point three? How do we make it implementable that all these diacritics are also included in the same entity set and avoid some new mechanism here? The suggestion was, next slide, please, to have those diacritics be defined as variants in an LGR.

So for this suggested implementation guidance is ICANN org is requested to... Yeah, exactly. As Saewon said, this one is a new one. This is the suggestion how we can, or how this point three with the diacritics should be implemented for the best use for registries, registrars, and registrants. And that is, "ICANN org is requested to create a specific Latin script diacritic second level LGR that includes the diacritics from final recommendation 39.3 as allocatable variants. This LGR should be developed on the basis of the second level Latin reference LGR. As with any second level reference LGR, gTLD registry operators may adapt this to their needs, provided that the minimum variant relationships are retained and not removed." And as a rationale for this implementation guidance, "The inclusion of diacritics in the second level LGR ensures that all involved parties, registries, registrars, registrants, only need to implement the LGR instead of implementing separate or supplementary mechanisms to deal with the same entity requirements for diacritics. All existing mechanisms shall remain unchanged and continue to function as per usual." So the idea here is to adjust the LGR in such a way that all diacritic characters, which are in the repertoire of that LGR, are considered to be variants of each other, because then by the IDN EPDP, we already have that these variants are required to belong to the same entity. Any questions about this, or thoughts, or comments? I see Anil's hand. Please go ahead.

ANIL KUMAR JAIN: Thank you, Michael. Since we are requesting this particular aspect to ICANN org, I just want to ask from ICANN org whether they are comfortable with this recommendation, implementation recommendation, so that we can proceed with confidence with this. Thank you.

MICHAEL BAULAND: Thanks, Anil. Good question, and I see Sarmad's hand is up. He can probably respond to that. Just a quick comment first. The idea to burden this upon ICANN is that not every registry operator has to create their own Latin script diacritic second level LGR to follow our recommendations, but rather have ICANN develop one that can then be used by all registries who use our PDP. So we have more consistency there and don't have to repeat the work all the time. But Sarmad, please, go ahead.

SARMAD HUSSAIN: Thank you, Michael, and hello everyone. This is Sarmad. So a few comments here on the language. I guess, of course you can just ask us to do it, so you can direct us. As far as this second part is concerned, I guess one question is, normally when we are designing reference LGRs, we actually work very closely with the script community to design them. And the definition of variants and which variants should be allocatable versus blocked, I think is something we normally work with the community. We can certainly determine or say that all the variants are diacritized letters or variants. But I guess making them all allocatable is

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another layer of decision, and I'm just wondering, the communities, I guess the policy working group has already discussed why the variants should be variants. There are good reasons for it. But I think why all of them could be or should be variants, I guess if there is a possibility for us to consult with the community rather than just make a decision without consulting with the community on making everything allocatable, that's something which the working group may consider. If that provision is there, the idea eventually is going to be to make these obviously usable. But we also want to also remain conservative at the same time. So what's a practical solution? Again, I think maybe the script experts can deliberate against those parameters and suggest a solution. So, in any case, I think there is potentially a discussion to be had on whether everything should be or could be allocatable. Or is there a more conservative path there?

The second comment was on this last part where it says that, "As with any second level LGR, gTLD registry operators may adapt this to their needs, provided the minimum variant relationships are retained and not removed." The minimum variant relationship is slightly loaded because this terminology also comes in IDN EPDP Phase 2 in one of the recommendations. And so I was a bit confused on whether this is referring back to this earlier part of this recommendation or implementation guidance, or is it making a reference to that recommendation which was developed by IDN EPDP Phase 2? And since the same kind of terminology is being used, so I wanted to ask for clarification on whether this refers to just the previous sentence or the other recommendation in IDN EPDP Phase 2. Thank you.

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MICHAEL BAULAND:

Thanks. It was not referring to the IDN EPDP Phase 2. I have to admit I was not aware that this was a given definition there. It was just meant that the diacritic variants which are defined in this may not be undefined as not being variants. But also it's a good suggestion to possibly include the script community there. But I see a really long queue. I think it's the first time so many people are interested in this topic. Amadeu, please.

AMADEU ABRIL:

Okay, I think I am unmuted. A couple of comments here on the last part, this part of adaptation for the registry. Indeed, when we say that ICANN will develop a single LGR for the Latin script for variants, indeed, that should be the whole repertoire. But then, just to give concrete examples, there are TLDs that offer these variants at the second level for decades now, especially with 20 years, just for one language, so the Catalan or French for .cat. So they are using just a subset of all this. Second, also, different registries may have a policy of having less variants, the number of variants, not the variants itself, but how many variants or pseudo-variants can be allocated or activated, to be more precise. So we have one that says maximum is five, but you should allow registries to have a lower number, because, for instance, if they are for a specific language, it may make no sense to have that many activatable, sorry, variants that can be activated.

And finally, regarding something that Sarmad has said in order to consult with the community, et cetera. Yeah, I understand that, but what we are doing here is something that is basically artificial to protect similarity. It's not something that comes from, let's say, a natural

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development of the language. So I think that the basic criterion with which LGRs have been developed is a little bit different than here, that what we are doing is establish protection for user confusion and then declaring variants or pseudo-variants, something that under the strict language groups, how they were set for the LGR, were not variants, because I repeat, this is just pseudo-variants to further protect user confusion. So I am not sure that we need to redo that work. And I really believe that in that case, all the variants here in principle should be allocatable, except that there is a strong reason for not doing so. Thanks.

MICHAEL BAULAND:

Thanks, Amadeu. Just a quick response to your points. The reduced character set if the LGR is just for a specific language, and that's exactly what is meant with the second part where it says, "As with any second level reference LGR, gTLD registry operators may adapt this to their needs," so that they can drop some characters from the repertoire, and thereby, of course, also variants will be dropped because those characters are not available anymore. And regarding the limit of the variant, that's a good point. That's the IG41. We can take a look at that soon. We already have a requirement there that registries set a limit, an upper limit of variants that may coexist at the same time for a certain domain name. Bill, please.

BILL JOURIS:

Good points. First off, the LGR uses the word "variant" for a very specific relationship, and that is, I think, why we have throughout our work

referred to a Latin diacritic set rather than talking about variants per se. And I think we probably should do something similar here. The second thing is I have to note that when Sarmad said that he thought the org would wish to consult with language experts, as you, like I had experience with the Latin Generation Panel, the idea of putting together a group like that and trying to generate a huge group of variants like this, I have to say, I think that's totally impractical. Certainly the previous Latin Generation Panel, I cannot see us getting together and doing that, and creating a whole new panel. My understanding is the reason we're doing this working group this way rather than as part of the IDN process is partly because putting together a new panel was considered even more impractical. So all in all, I think we need to rephrase this to get rid of the word "variant" and talk about diacritic sets or something, so that especially if we want something in the LGR, that word has got to go, I think. Thank you.

MICHAEL BAULAND:

Thanks, Bill. Just a quick comment. I think at the top level, yes, we cannot make diacritics variants, and we have to really distinguish there. But at the second level, registries have the freedom to define diacritics as actual variants, and they already do this now. As Amadeu said, .cat has diacritics as variants. So for that reason, I believe it should really be variants in this implementation guidance because that makes life for everybody much more simple if they don't have to take care of variants and also take care of some diacritics sets, but they only have to deal with LGRs and variants. That is much easier for all parties involved, both technically as well as policy-wise. Satisfy, please.

SATISH BABU: Thanks, Michael. Satish, for the record. I had a clarification question regarding the phrase "minimum variant relationships," what these are. Because if you're asking the registry operators to adapt the reference LGR, but we are also insisting that, because we are saying retained and not removed, that is twice emphasis. We are insisting that the minimum variant relationships are retained. Is there any clarity on what these are, these minimum variant relationships? And part B, if you're going to ask them to do this, is there any way to ensure that they do this or not? Thanks.

MICHAEL BAULAND: Sorry, I didn't get the part B. I was writing a note to myself to remember the first question. Sorry.

SATISH BABU: The second part was, how do you ensure that they follow this instruction, that relationships are retained and not removed? How do you ensure that that is followed? Thanks.

MICHAEL BAULAND: Okay, thanks. So yeah, regarding the minimum variant relationship, maybe we have to change the wording here. The idea behind this implementation guidance is that all diacritic characters with each other and the base ASCII are considered variants. Of course, registries may change the... Let's not call it reference LGR because it's not a reference LGR, it's a Latin script diacritic LGR. They may change this because they

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possibly do not want to use the whole set of Latin characters, as .cat, for example, is restricted to characters which are only available in Catalan. And that was the intention here to say, well, the registry can change this LGR and still use it for the Latin diacritic TLDs, but they are not allowed to drop the variant relationships that are between diacritic characters, because then they would suddenly not be, technically speaking, in the same entity set anymore. So that was the intention here about this. Edmon, please.

EDMON CHUNG:

Hi. Edmon here. Sorry, I was taking some time finding the unmute button. I put my hand up to talk a little bit about something similar to what Bill mentioned, but at quite a different approach. I think I kind of agree that it's important for us to distinguish between IDN variant, and especially in the top level and the second level. In the rationale somewhere, we probably should emphasize that none of this changes the Root Zone LGR. And I think that's quite fundamental. We are talking about second level LGR. I know we are clear, but this is something that we should make absolutely clear in rationale. And in the second level, I don't really think we need a different terminology. However, at the right places, maybe specifying it a little bit further could be useful. We should find the right wordings for it. But I agree that we should still use the terminology LGR, at the very least. How we use IDN variants is something that maybe we might want to wordsmith a little bit when we have a final version of that.

And then there are a couple things that came that were discussed that I want to quickly respond to. One, I actually think what Sarmad suggested

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in terms of having some additional help is probably useful. However, I also agree with Bill that if we do the same group as in the Latin group, that's probably not helpful, or the kind of group that ICANN needs. But from our recommendations, I feel that all we need to do is not tie the hands of Sarmad and the ICANN team. We just need to make sure we don't tie their hands. We task Sarmad to come up with something that is workable, and if registries choose to adopt it, would be good to have, or they could make sensible modifications as well, because ultimately this is not a quote-unquote "standard," but sort of like a reference set in many ways, right? So I think as long as our recommendations do not tie the hands of Sarmad's team, I think we're good. I don't think we need to prescribe pulling together a script community and those kind of things. I think we can leave that to the staff team.

The third thing is the minimum variant relationships. I'm pretty sure this is not what IDN EPDP Phase 2 talked about, because I think, Sarmad, if you're pointing to the minimum requirements for IDN variant set, deploying IDN variant set, that's quite a different concept. So I kind of agree, yeah, let's avoid the confusion and we'll find... I think the point here is if something is so-called already a reference LGR for second level, they should remain, and they should not be decoupled. You probably want to add a few more, but don't decouple the ones that are already defined in the reference and stuff. That's the idea of this particular part as far as I understand.

MICHAEL BAULAND:

Okay. Thanks, Edmon. Very good and interesting points. Yeah. Sarmad?

SARMAD HUSSAIN:

Right. So I think following up from what Bill said and some other comments as well from Edmon and others. When we say everything is allocatable variant, apart from being, again, not very conservative, because LGR design eventually has this conservatism built where you have to start with a blocked version and you have to have a good reason to make it allocatable. That's part of the design. So this is in some ways sort of not following that design process. And there can be very significant, I guess, amount of corner cases here because we're talking about a fairly large set of diacritics. And so starting with the cases which are clearly not possible and still allocatable seems like something which we normally would not design for. And that's why I was saying that rather than giving an overall allocatable allocation, maybe the script community look at it with the same spirit, that they want to make in some ways a usable set, but obviously not make everything blank across the board allocatable, and cater to some of those corner cases.

Having said that, please also note that when you make something allocatable, it then becomes very hard to make it blocked. But when something's blocked, it's easier to make it allocatable. So that's why we normally go with the conservatism principle. So that doesn't close the door on, because this is going to be a reference LGR, and as you already note in this, somebody can go and change it as per their requirements. So if there is a clear need and they can demonstrate that, and they want to make something from blocked to allocatable at the second level, obviously that's flexible, right? To at least a large or some extent. So making things slightly more conservative doesn't still close doors for a different solution. Anyways, just raising it back again, and then I posted

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the IDN EPDP Phase II recommendation in the chat, which does have that minimum kind of variant reference, which was confusing me. That's why I was asking whether I understand what you mean now, that it's referring back to the same recommendation and not that IDN EPDP recommendation. But the wording was slightly confusing, so maybe this could still be fixed. Thank you.

MICHAEL BAULAND:

Thanks. Good points, and I tend to agree here with you. So the intention of this LGR to be created is just that the same entity set for these diacritics is upheld. And for that, actually, the disposition value is irrelevant, whether it's blocked or allocatable. It's still the same entity. So what we could change here is possibly say something that the reference LGR, or however we will call it, created by ICANN, makes all these variants blocked per default, but the registries are free to make some or all of them allocatable in case their language or their use case requires this. Saying this, my suggestion is that we take this back again, maybe have another conversation with Sarmad about the wording, and then come back next week with a more streamlined version of this recommendation that then covers all the points that have been brought up by the working group and Sarmad, and then hopefully have a stable version next week that we can all agree on. So unless there's any more versions, questions here, understanding issues or whatever, we should move on to the next point and then get back to a revised version of this next week.

Just quickly, exactly this slide is about this, what also Amadeu mentioned. We have this implementation guidance 41, which says,

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"Consistent with implementation guidance two from the IDN EPDP Phase II final report, gTLD registry operators should take into account recommendation 14 and SAC060 as well as language or script communities' widely accepted practices among Internet users and established conventions and consider setting a maximum number of allocatable domain names that can be allocated to the same registrant within the ASCII Latin diacritic domain set." So here we require this from the registry operators that even if the allocatable variants are a larger set, they have a maximum number within their own registry policy that they allow to be allocated at the same time. So this is something we already agreed on previously. I see some comment from Tapani about some maybe wording redundancy. We'll take a look at that also when we are revising the previous one. Thanks for that. Yeah. With that, this topic is covered. Next slide, please.

Here we are about action item one, the Recommendation X, a reminder on the existing recommendation. So we already have the recommendation three, which says, "Consistent with final recommendation 3.2 of the IDN EPDP Phase I final report, a future gTLD registry operator wishing to apply for corresponding ASCII gTLD or Latin diacritic gTLDs of their existing gTLD must submit an application during an application round." So this covered the case for existing TLDs if they want to add TLDs and thereby create an LD set. Next slide, please. Then the rationales for this reads, "The working group recognizes that some gTLD registry operators may already hold an ASCII gTLD or Latin diacritic gTLDs and may wish to apply for corresponding gTLD. This recommendation addresses such potential applications when ASCII or Latin diacritic gTLDs correspond to their existing gTLD, with the only

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distinction being the presence of diacritic marks as outlined in preliminary recommendation one. Accordingly, the LD PDP working group believes that new applications are required even for those associated with existing gTLDs." So this just says that it's not possible to create such a set outside of the regular application process, but it's still possible to create it if a TLD already exists. Next slide, please.

And then we have our proposed language for the new Recommendation X, which reads at the moment, "The String Similarity Evaluation Panel should not permit any ASCII and its corresponding Latin diacritic gTLDs to proceed independently through separate applications. Such gTLDs may only proceed and be delegated as an ASCII Latin diacritic gTLD set by a single entity." And there have been some questions or comments during the Sevilla meeting: what about the cases of existing TLDs? And therefore we suggest to add the following sentence here. "Potential applications where an ASCII or Latin diacritic gTLDs corresponds to their existing gTLD can still be applied for by the same entity as an ASCII Latin diacritic gTLD set per final recommendation three," which we have just seen. So this just clarifies that this new recommendation does not prohibit this case of adding TLDs to existing TLDs. Sarmad, please.

SARMAD HUSSAIN:

So question, though this situation does not exist currently, if in this existing round, there are gTLDs which are applied for by different applicants, which may have diacritical variants of each other. Does this recommendation cover such cases? Will those, for example, be carried forward as is? Because assuming this work becomes applicable after this round, that I'm not sure when it becomes applicable, but in case it does,

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then how do we deal with that? Or is that generally clear and no additional text is needed?

MICHAEL BAULAND:

Thanks. Good point. I don't know if it's possible to, even though it's not an official policy yet, to still somehow advise the String Similarity Panel to adhere to this already now, not force them to, but they would have to have a real strong argument doing this, allowing this right now. But still, I think it's wise to have a recommendation here, which is this grandfathering. Oh, no, it's not called grandfathering anymore. What is the correct word for that? Forgot about that. Exempted. Thanks, Sarmad. Yeah, to have a similar ruling like we have in the IDN EPDP for variants which already exist now belonging to separate entities, that those are exempted from the rules and can still coexist, but no new cases may be created. We could have something similar here that existing TLDs are exempted, but no new ones can be created. Sarmad?

SARMAD HUSSAIN:

Right. So I think you mentioned something for maybe sharing with the String Similarity Panel. Currently, taking this input, we don't have a clear mechanism to take this message to the String Similarity Review Panel, because obviously that, in some ways, their work is independent from policy coming from SubPro and IDN PDP Phase One. So, I just wanted to raise that, and if there is something the working group needs to feed into that, then maybe I think that's a discussion maybe with the policy team as well on what could be, for example, a mechanism. Thank you.

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MICHAEL BAULAND:

Okay, thanks. Apart from that comment, is everybody okay with the addition here to make it clear that this is not prohibiting existing TLDs to be added to an LD set by new applications? That was the main problem last week or the week before in Sevilla. Anil agrees. Bill agrees, so. And seeing no hands and seeing no objections, I think we can continue with this and then can still think about what Sarmad said, whether there's a way to make this already a requirement or a strong suggestion for the current round, or whether we may need some recommendation to deal with exempted cases. We'll come back to that next week. Thanks. Then next slide, please.

We are now with the Board topic about recommendations 18 and 19. I just quickly read them again. They're quite short. Anyway, preliminary recommendation 18, "Consistent with final recommendation 7.4 of the IDN EPDP's phase one final report, the registry fixed fee for a gTLD registry operator that operates the delegated gTLD labels that constitute the ASCII Latin diacritic gTLD set must be the same as a gTLD registry operator of a single gTLD." And preliminary recommendation 19, "Consistent with final recommendation 7.5 of the IDN EPDP's Phase 1 final report, the calculation of the registry-level transaction fee must be based on the cumulative number of domain names registrations of the combined delegated gTLD labels from an ASCII gTLD set." This is what we had so far. Next slide, please.

Then we received Board input during Seville. Avri and Chris provided this input. Since the audio in that room was really horrible, I'm not sure if everybody clearly understood what this is about, so we will repeat the important points that have been mentioned there. Registry-level fee-related recommendations are tied to ICANN org's financial and

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operational responsibilities, where policy related to fees could introduce implementation complexities. No current data on likely application volumes, operational support needs, or associated costs related to ASCII letter and diacritic gTLD sets, which could be simplified by the potential scale. LD PDP's objective is to create an exception process rather than incentivization, and thus should adhere to a more conservative approach. And IDN EPDP's final recommendations 7.4 and 7.5 were not adopted to set any precedents. Next slide, please.

Coming to Bill just after reading this shortly, and ICANN Board guidance on this LD PDP recs 18 to 19, as I've just forwarded the email to you, is that these recommendations may not be adoptable. Board recognizes that registry-level fee setting is within ICANN org's discretion and would like to preserve that discretion. Board would like to avoid setting precedents in policy development that are within org's operational remit. Bill, please.

BILL JOURIS:

Right. I may be on the wrong topic. Is this the one where the Board was referencing back a decision they made saying explicitly this was not a precedent, so why did you do it? Or is this a different question here?

MICHAEL BAULAND:

No, it's the same topic.

BILL JOURIS:

I think the way to respond to the Board is to say we did not do this because of a precedent set or, in this case, not set previously. As I recall,

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we looked at the situation and considered it, and as it happens, we came to the same conclusion. But that, to my mind, is not the same as saying this is a precedent, so we followed it. That isn't what we did, and I think we should clarify that for the Board because I think at the moment they may have been confused because we weren't crystal clear as to what we had done there. Thank you.

MICHAEL BAULAND:

Thanks, Bill. I tend to disagree here because we try to follow IDN EPDP as closely as possible. So whenever we created recommendations, our idea was to copy them as much as possible and follow the same recommendations because that sounded like the most straightforward, easiest approach. And for that reason, we also copied those recommendations. And we also explicitly state in the recommendation that we are following those IDN EPDP. So in that sense, we are actually following the precedents here. Bill, please.

BILL JOURIS:

Yeah. We did, in general, do exactly that. No argument. My question is on this particular one. Again, my memory may be faulty, but we looked at it and said, the Board said this is not a precedent. Okay, so let us consider the situation and decide what we want to do, not being a precedent. And perhaps my memory is faulty on how we came to that particular recommendation, but that was my recollection of what we did on this particular case. Thank you.

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MICHAEL BAULAND: Thanks. Anil, please.

ANIL KUMAR JAIN: Thank you, Michael. Anil for the record. Looking at the recommendation from the ICANN Board, I have two things to say right now. Number one is that whatever is being followed in PDP IDN recommendations, if we follow the similar thing here, then there are likely to be very less confusion to the users, especially the registry and registrants. So, I think the approach which LD PDP has taken was a correct one, but definitely Board take the view which is more holistic in their approach, looking at the financial requirements and the financial situation they have. So this is one thing. Second, what LD PDP is recommending is not in exact dollars and pounds which are required as a fee from the registry, but we are recommending that it should match with the cost which ICANN incur because of this. So I personally feel that approach of LD PDP was correct, but the decision of Board is definitely we have to follow there. Thank you.

MICHAEL BAULAND: Thanks. Anil, two points here quickly. I think you're confusing here the application fee, because for that we said it's based on a cost recovery principle, and that one was fine. This one is the operational cost, and it's not based on any cost incurred by ICANN. And secondly, the thing with the IDN EPDP was that their mandate was to incentivize the adoption of IDNs and variants, and thereby make it more easy or better for people to apply for these. This is not the mandate of our PDP. We are not there

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to make it easier or better. For that reason, this might be a reason why we should not follow the IDN EPDP rec in this case.

ANIL KUMAR JAIN: Michael, thank you for correcting me and for informing me. Thank you.

MICHAEL BAULAND: Thanks. Amadeu, please.

AMADEU ABRIL: Okay. I see three points here of different importance. The first one is the question of precedent, and as we see, well, we have not strictly followed the precedent, but in general, we have drafted everything as close as possible as the IDN PDP, and it looks like a precedent, but the Board feels that, and I understand, that they don't want these kind of things to happen. So as we don't have a clearly defensible position, I think that we-- I perfectly understand why the Board is worried. The second one is on the precedent or not, the fact of saying how much the fee should be or how this has to be calculated, the same or not as this or this other one. It's something that I think it's logical. I think our reasoning is faultless, but it's not welcome by whoever has to receive that, which is the Board and ICANN org. And again, they are reminding us about what's the division of tasks here, and that this is not in the task of the PDP.

So the third question remains, even if we believe that we have reached the right conclusion, it's really worth hitting a wall? It's really worth making a recommendation that we know that cannot be accepted for

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both material, procedural, and subject matter reasons? That is, it's about prices, it sets a precedent, et cetera. So they don't want it, and is it worth to delay the whole thing because of these recommendations? I would say no. I pointed that before we were discussing this, that these kind of decisions are not welcome, recommendations are not welcome by ICANN in general, or the Board in particular. The other question is, okay, this is a recommendation. I don't think we should keep that as a recommendation because it will go nowhere. We've been told that. Another question, if people really are convinced that the conclusion we arrived to is really good, well, perhaps there is room for a narrative somewhere else as our opinion, but not as a formal recommendation. Thanks.

MICHAEL BAULAND:

Thanks, Amadeu. Good points. Edmon, and then I'd like to propose solutions how we can deal with this. Edmon, please go ahead.

EDMON CHUNG:

Yeah. Edmon here. So, somewhat in the lines of what Amadeu said, but maybe a different twist. The thing that maybe we want to think about is how severable these two recommendations are. If they are severable, then one option is to just push it ahead and have the rationale, maybe even bulk up the rationale, and the Board can not adopt it, but adopt the other things. But if it's interrelated with too much things, which I kind of don't think so, but then we should think about taking them out. So this is one thing that maybe we want to think about. It's not that big of a deal if there are a number of recommendations that are adopted

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and a number of recommendations that are not, right? It is possible. That is a possible stance.

But, actually my suggestion is actually more along the lines maybe what Amadeu said, is that how strongly do we feel about this? And if it makes it easier, maybe one way to think about it is to turn it around a little bit, rather than say, "You must do that," which is what the language currently says, change it to a "should" with some conditions like, unless it is cost prohibitive, you should do this. Right? Then that becomes a recommendation that is susceptible and it's still operable if they decide, oh, there are cost concerns. We are not going to actually implement it this way, but thank you for the recommendation. Right? We could change the way we actually word it so that it's susceptible, and it may be at an implementation decision where, oh, sorry, it's cost prohibitive, so we cannot implement. That is another way to think about it. And probably there are a few other ways to slice it as well, but, I guess just to get the thinking started in terms of how we deal with it.

MICHAEL BAULAND:

Thanks, Edmon. Next slide, please. There was not much on that slide. All right, thanks. So the question is how we continue with this. One easy solution would be to just discard these recs. They are not as such necessary for our policies to work. They're just giving an incentive to this. And, by dropping this, we are not saying that it's not going to be this way. Maybe the Board or whoever, ICANN org, creates this decision would still come to a similar conclusion and say, "We will make prices similar to this." But, just that we as a PDP, we make the policy for how this is all possible and how this is done without saying what the prices

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should be, because that seems to be what the Board wants. And the other options are some solutions, like keeping them as they are or rewriting them in some way. So yeah, I've heard quite a lot of different opinions here. Anil, please.

ANIL KUMAR JAIN:

Thank you, Michael. Option one is the easiest solution, but I'm not for option one. As Edmon has suggested, it is better in case the working group think of an alternate language to these recommendations, which basically gives the feeling of what actually we intended for the ultimate registry to get advantage of our recommendation. So I personally feel that we should work on a slightly different language, which is likely to be accepted by the Board. Thank you.

MICHAEL BAULAND:

Thanks, Anil. Bill, please.

BILL JOURIS:

I tend to agree with Anil. We obviously need to tweak the language, but I don't really see what the Board's problem is with us saying something like this because the whole reason that this group exists has to do with the fees for additional members of a particular diacritic set to be lower, because otherwise, the obvious thing to do is just apply independently for members of the set. So that's the whole purpose we're here, and I think the org doesn't really have grounds to complain about this because fairly obviously, if you've already gone through the vetting process for the ASCII version, they don't have to go through the whole

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process again for the diacritic version because it's someone they've already looked at. Their costs are lower, so I don't see that the org has a reason to complain that we suggest that they should in fact charge less because after all, their costs are less. But yes, I think we need to tweak the wording to keep the Board happy. Thank you.

MICHAEL BAULAND: Thanks, Bill. I think you misinterpret this charter. It doesn't say that we should make it cheaper also. We should make it technically possible, not define any prices. Prices is not part of the remit of this PDP. And, as you said, if we don't talk about prices, they could just apply separately, but that's exactly the problem what we have. They cannot apply separately, or they can, but with 99.9% of chance this will not go through. That's a problem. Amadeu, please. Amadeu, if you-

AMADEU ABRIL: Okay. Oh, sorry.

MICHAEL BAULAND: Yes.

AMADEU ABRIL: I tend to disagree that just changing "must" by "should" will make much of an effect. I really think that what the Board is saying is, please don't make these recommendations because just changing "must" by "should" does not change two main problems here, the problem of the precedent and the problems of, look, policy development groups are

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not the place for setting ICANN fees, period. So I really think that we should simply take these two recommendations away and in the final report explain that we have debated that, but we have arrived to this conclusion, but even if we consider it is an adequate solution, we'll refrain from making a formal recommendation because this is not within the remit of what the working group can do. But explain what is our conclusion if we want. I have strong feelings about what the pricing should be, but it's not here. It's not a PDP, the place for discussing ICANN fees, not for Latin diacritics, not for transfers, or not for registrar accreditation.

MICHAEL BAULAND:

Thanks, Amadeu. That exactly reflects what the Board has mentioned to us, that this is not the place to talk about prices in any way, rather, independently of whether we suggest or force or whatever, it's just not part of this PDP to talk about the prices. We are to make this technically possible. Seeing that we are already quite late, my suggestion is to think about these arguments we have heard, maybe exchange some more via the mailing list, and then take a decision on this on the next call. Or Steve has a different suggestion, maybe? Steve.

STEVE CHAN:

Thanks, Michael. I do not, but maybe just another bit of information to consider for the possibility of trying to switch to "must" to a "should," and having some of that discretionary decision-making happen at the time of implementation. And I think it's John. Oh, Saewon. Do you mind going back to slide 13, please, real quickly? And what I wanted to point

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out is that, one more, please, is the second point there, which talks about the lack of current data about application volumes, cost related to ASCII, Latin diacritic, gTLD sets, et cetera. That concern will still exist at the time of implementation. We will not have an answer to that. I think counting on there being adequate information at that stage, I think is not going to be possible given that we will not know these answers still. And that's on top of some of the concerns that were just raised by Amadeu that this sort of policy making is generally considered not within remit. So just some additional concerns that might be worth considering in decision-making here. Thanks.

MICHAEL BAULAND:

Thanks, Steve, for the background information. Reading through the chat briefly, I see quite a lot of agreement with Amadeu, and some don't have too strong feeling about this. So could you go back to the slide with the options there? So is the working group then okay with discarding these recs, even if not the best outcome or not too happy, but is there any objection to doing this and leaving this open for the standard processes to then decide what the prices are? Seeing no objections, I think that's the best way forward, and the working group seems to more or less agree to discard those recs and have a process that is then clearly just restricted on the technical points and not the pricing. Thanks for the very interesting and good discussions here. Again, we just have a few minutes left for HR. Maybe it's sufficient. Saewon, please, if you can take over from here. Thanks.

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SAEWON LEE:

Sure. Thank you. Like in ICANN 86, I'll try to be quick. We're coming back to this because we never had time for any discussions or questions and answers, but as you remember, during ICANN 86, we rushed through the public comments received from NCSG on the human rights impact assessment, and obviously other commenters as well. I'm again trying to speak fast so that we can go quickly. While I am on this page, as you can see in the slide, if John or Steve, you can also drop into the chat the human rights impact assessment sheet, as well as the public comment review tool for the working group's reference so that we're not missing anything.

So if you see in this slide, I did try to summarize the comments for you again, so that we're not missing anything and can receive or field any questions. So as you can see in the first point, most comments on human rights impact assessment were mostly positive and supportive, not only from NCSG, but from the other commenters as well. Second, the NCSG provided areas for improvement, which was in the second column from the last meeting, if you remember. But this, obviously, the working group should be aware. And then, third is that those that are relevant and necessary, or to the extent possible that the working group can update the human rights impact assessment, we should get this done in the rationale portion to include or specify in detail the impacted groups, for example, that I mentioned last time, and the mitigation measures. And then lastly, though obviously we need to be aware, most of those comments from NCSG may actually not be within the scope of this PDP, or the remit of this working group and may just be implications for future work and PDPs or for ICANN org to deal with them during the implementation efforts. So that kind of concludes and summarizes the

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analysis as well as the public comment review that we went through last meeting. And with working group being aware of this now, again, I just want to conclude that there's not much action to be taken from the working group other than updating certain parts of the rationale. And I will stay online, obviously, for any questions, but hand it back over to Michael for any additional statements related to this work or open up the floor for discussions. Thank you.

MICHAEL BAULAND: Thanks, Saewon, for the summary. Any comments, thoughts about this? Seeing and hearing none. I think you did a good job, Saewon. Clarified all the questions, and I think that's a good way to go forward. Thanks.

SAEWON LEE: Okay, great.

MICHAEL BAULAND: Yeah. That's all.

SAEWON LEE: Again, please do go back to the sheets for any full review of the rationale as well as the comments. But Michael, would you like me to quickly go into the next recommendation or should we... Yeah.

MICHAEL BAULAND: Yeah. We have five minutes left. I think we could do that.

SAEWON LEE: I'm saying quickly because-

MICHAEL BAULAND: You could do it. Sorry.

SAEWON LEE: Yes. Yeah, I'm saying quickly because we did actually go through preliminary recommendation 14 as well, and all this needs is again, another update of what's been happening in the background, as well as what proposed path we could suggest. So if you all remember, IPC had submitted a comment related to recommendation 14, specifically 14.3, as you can see in the left of the slide, and the possible mischaracterization of the trademark registration. And it was asked of us, as in leadership team and staff, to request or reach out to the IPC and clarify their statement and our understanding of their request. So basically, we'd been going back and forth, and our understanding of the comment that we had shared last time was exactly on point, and obviously the working group can decide the path forward with this information.

And just in short, so that you are refreshed with what the main points were, and you can see those in the right. First of all, same as in the AGB, a dot-brand TLD would need an exact match trademark for each and every application in the set. So basically, they would not be able to rely on a trademark registration that would otherwise be the same mark without the diacritic. And secondly, just to kind of get into more detail

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related to our PDP, it's basically for an applicant of a dot-brand gTLD, they would need to provide individualized trademark registrations for the specific or each applied-for diacritic string and each variation without a diacritic or with other diacritics that constitute the set. And this is for them to be allocatable to the particular trademark owner. And lastly, from this, for the working group to acknowledge that this does not align with the trademark law, but this is following the IDN EPDP's language, which actually upholds a more strict rule, which was developed by the community at the time. So this is pretty much what we clarified with IPC.

And if you see in the next page here, again, this was shared with you last time when we were going through this, a straightforward or an easy solution could be, first of all, updating 14.3 language to exactly mirror IDN EPDP's final recommendation 3.16.3. And you can see the updated language there, where it's pretty much following IDN EPDP's. So, "An applicant for a dot-brand TLD string and its allocatable variant labels is required to submit proof that its applied-for primary gTLD string and applied-for allocatable variant labels are identical to registered trademarks owned and used by the registry operator or its affiliate." So that's the new language we propose. And then secondly, getting rid of the mischaracterized trademark law, which is, "Thus, under trademark law, the rights are attached to one distinct mark limited to an exact match." That will be gotten rid of, and we would replace the three points that we mentioned in the previous slide to the rationale. So those are the two ways forward we could suggest, but I will hand it back over to Michael for any additional suggestions, and I see already in the chat that-- Well, Bill, if you're mentioning option one and two in this

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page, they're not actually options. They're two different, how do you call it, two different suggestions for solving this comment. So one is to update the policy language, and two is to update the rationale. Okay, and I get agreement now.

MICHAEL BAULAND:

Thanks. Yeah. Thanks, Saewon, for the introduction to that. And so it's not we have to choose between those, but both of those should be changed to deal with the public comment. And I see agreements here to go forward with these. So, that's what we are going to do then. Thanks. And with that, we are already at half past. So we'll just skip the AOB and we'll have our next call next week, same time, to hopefully finalize the few remaining points. Thanks everybody for joining and contributing and looking forward to talking to you all next week.

**[END OF TRANSCRIPTION]**