
DEVAN REED: Good morning, good afternoon, and good evening. This is Devan for the recording. Welcome to the Latin Script Diacritics PDP call taking place on Wednesday, 27 May 2026.

I didn't see any apologies for 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 Latin Script Diacritics 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 just for administrative purposes, I received an excuse from Prudence. She's not able to join today, so if you could please note that.

DEVAN REED: Thank you. I will.

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

MICHAEL BAULAND:

And then, yeah, welcome everybody to meeting 37! Next slide, please.

The agenda, again, similar to last week's, we'll be going through the public comments. Next slide, please. Next slide. Next slide. Yeah. And here a brief summary of what we achieved last week.

Key outcomes were: IG11 working group agreed to allow for flexibility in both the joint research requirements and timeline at ICANN org's discretion. We'll take a look at the suggested wording in a minute, and if you all agree, then that should be fine. And, for PR35 and PR36, working group clarified the recommendation's intent. The cool-off period only applies for when at least one TLD from the set is removed from the root zone LGR. There's no need for when the set is still intact. So the reasoning was that TLDs that used to be run in a set, if one or more of them are not part of the set anymore, are not existing, then they shouldn't be able to apply for as a standalone TLD outside of the set for those 10 years. And this is independent of the fact who runs the TLDs, whether it's a standard Bureau or the Emergency Bureau, this is all the same here.

And then, PR50, the working group clarified the recommendation intent to provide info on high-level principles and relevant recommendations to target stakeholders. Info requirement is also bound by potential impact on dispute resolution proceedings and is not completely open-ended. And the user, remember, note here that you are asked to review the public comment tool and also the final report draft that is being updated behind the scenes all the time. Next slide, please.

So as action items, for the PR35 at the 36 and 50 as just discussed, leadership staff were to update the rationales to clarify the working group's intent. This is part of the proposed draft doc. We're not going through that during the meetings, so we ask you please to take a look at those and in case you see any issues, just send an email, and we will discuss it there. For PR14, we were to reach out to IPC to seek agreement on the working group's understanding and proposed response. This is still work in progress. We did reach out. We're still working with the response, and we will discuss that during next meeting. And then for PR29, the conservative approach against proliferation risk, we had three options there, which we discussed previously and took a brief temperature of the room call, and we will go back to the results on slides eight to ten. Next slide, please.

So this is a new suggestion for IG11. As just to give ICANN a bit more leeway about how they should do this research. It reads now, "Generally consistent with implementation guidance 3.9 of the IDN EPDP Phase 1 Final Report, within approximately 15 months of the delegation of the first ASCII gTLD string or the Latin diacritic gTLD labels... We should still change the wording here regarding string and labels to have that consistent, I just realized. ...that constitute the ASCII and Latin diacritic gTLD set, and approximately 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,

where necessary and practical, conducted together with the IDN EPDP's research on variants per implementation guidance 3.9."

So what we did here, we introduced approximately to the timeframes to give ICANN the chance to, should they not be in step with the IDN EPDP research, they can change the timeline here to make them in line, should it make sense, and also to not force them to do the research at the same time, but only if necessary and practical. So that should give ICANN the freedom. If it makes sense to do that in parallel, they can and should do that, but if for some reason it doesn't make sense, they're not forced to do that. Any issues or quick questions regarding the new wording? Bill, please.

BILL JOURIS: Yeah, I think I would rather than say where necessary and practical, just say where practical.

MICHAEL BAULAND: Yeah. If it's necessary for ICANN to do so for whatever reasons, that should be fine too.

BILL JOURIS: It just doesn't-- I don't think it's necessary to say necessary, is all.

MICHAEL BAULAND: Okay. Any other comments? On the chat, it says the new language must meet the requirements of ICANN org. I don't know if I can put Ariel to

the spot here. If you think this solves the issues ICANN org had with the recommendation, is that better working for you?

ARIEL LIANG:

Thank you, Michael. This is Ariel. From a personal view, I think these are great edits and definitely provide more flexibility than before. And regarding Bill's suggestion, removing "necessary," I think that's also a good... it's additional flexibility, I would say.

But in general, this is implementation guidance instead of a recommendation, so there's already some flexibility there. But the new edits definitely make it much more flexible than before and have these conditional words in front. So, from my personal opinion, this is an improvement, I would say. But of course, I have to work with the ICANN internal team when we get to that point and let them deliberate. But in general, I think this introduces much more flexibility than the previous language.

MICHAEL BAULAND:

Okay, thanks. Appreciate it. And as I said, it's just implementation guidance, and you know what the working group's intent is to have that research be done, and if it makes sense to have it be done together with the IDN EPDP, but if not, the implementation can be such that it can be done differently. And I see a few supports about removing "necessary," so if "necessary" is not necessary, then we get rid of "necessary." I think it's still okay then, yeah.

So, good. We are all in favor of this without the "necessary" part and the alignment about labels and strings. And then we can go to the next agenda item. Next slide, please.

Where we had those three suggestions, the options for conservatism against proliferation. And when looking at the votes, it was quite obvious that options two and three have been rejected by the majority, or at least not approved by any larger number of people. So this was the recommendation language for the high-risk scenario and the recommendation language for additional justification. So these are out, not approved by the working group.

For the first option, there was a kind of a mixed picture here. There was a bit more in favor than against it, but also some concerns. So we decided to take a look at that option in some more detail, but also with examples, and then maybe you can voice your opinion again or change your opinion. What about this new recommendation? Next slide, please.

So what does it say? It says, "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." And there have been some questions, comments what this means. Next slide, please. We have put up some examples here. Next slide, please.

So we are looking at three cases here, scenarios how this new recommendation would change the outcome of the policy or the applications. First example is if an ASCII TLD and its corresponding Latin

diacritic gTLD were to be applied for via different applications by potentially different applicants. Samples are here too, just the standard ASCII "example" string and the example with an accent on the E, and the "hello" string, and there we have an accent on the O.

And if this new recommendation would be effective, it would apply to this scenario, and the recommendation would state that these two strings could not proceed at the same time. They would automatically be put into a contention set, similar to variants that would be put in a contention set, and only one of them would be able to proceed. If this recommendation would not be in place, then this decision would be up to the String Similarity Evaluation panel that likely, but not certainly, would take the same decision, but it wouldn't be deterministic, so to say. People wouldn't know for sure what would be the case.

And the second example is in case we have an existing TLD, either a Latin diacritic TLD or an ASCII TLD, and someone would apply for one of the others in the next application round. Again, Recommendation X would apply here, and this application would be rejected right away, just as variants would be rejected in case the primary string already existed. If Recommendation X would not exist, then again this decision would be up to the String Similarity Evaluation panel to decide whether this should be okay or not.

I see Bill's hand. I just go through to the third example, and then we can start the discussion and questions. So the third example is if we have individual Latin script diacritic gTLDs without an ASCII gTLD. So for example, the ".example" with the two accents in the opposite directions, or to have a "hello" with one accent and one, I think it's a

tilde also. In these cases, the new recommendation would not apply, so we wouldn't make any policy for these cases. This would still be up to the String Similarity Evaluation panel to decide whether that is okay for these two TLDs to proceed next to each other or whether it would not be okay. I think this is also talking about one of the examples Tapani gave last week, that he was afraid that this new recommendation could block such strings here. Yeah, and with that, I'll open the queue, and I see Bill's hand. Please.

BILL JOURIS:

I just want to make sure that I understand correctly. What we're talking about in each of these is, in the future, separate applicants applying for something, not the same applicant making separate applications.

MICHAEL BAULAND:

I think there the recommendation's wording is not perfect. We would need to change it. It would be separate applications, not just separate applicants, independent of whether those applications are done by one applicant or multiple applicants. Because the thing is we just want to prohibit TLDs that are possible to work as an ASCII and Latin diacritic gTLD set, that these could also be applied for independently without the same entity principle.

BILL JOURIS:

Okay. The problem I see is suppose I today have an ASCII version. If you take that as you just described, then I cannot apply for a Latin diacritic

version because I did not make the applications at the same time, and I don't think that's where we want to go.

MICHAEL BAULAND:

No, you can. If you want to do those as a set, then it's always possible. This is just stating that it should not be possible for those two TLDs to be run independently as separate TLDs. It's always possible, even if one of them exists, to create an LD set and add any new TLDs. Does that solve your problem?

BILL JOURIS:

Yes, I think it does. I was having trouble parsing the recommendation, but yes, as you describe it, yes, that would be fine. Thank you.

MICHAEL BAULAND:

Okay, thanks. Yeah, we might need to tweak the wording a bit and also describe in the rationale as we always do what this exactly means and how this should be taken. So it's really just that TLDs that could coexist as an LD set must not be applied for separately, which likely will anyway happen via the SSE panel, but it's not certain, and this would give everybody, applicants and all the user community, certainty that this is always the case. And this also has a bit more conservatism there, which would work towards ICANN org's comments. Anil, please.

ANIL KUMAR JAIN: Thank you, Michael. Just a suggestion in this language. In case we replace "these applicants," that is "separate applicants," as "separate entity." This is one suggestion which I have.

And another is that, in the last, it is written "set by a single entity." If we can write... "set by a single entity"? No, I think that is good. Only one change, that is in case of "applicant," if we can replace with "entity," because we are using this entity principle in all other policies also. Thank you.

MICHAEL BAULAND: Thanks for the comment. Although I think it shouldn't be applicants and also not entity, it should be applications. It's irrelevant whether those applications are done by the same entity or different entities. If those TLDs are applied for as separate applications, so they want to be run separately, then this should be prohibited. It's just allowed to run those TLDs as one application, as a set. If that makes sense. Anil, do you still want to respond or?

ANIL KUMAR JAIN: No, still not very clear because even if the same entity is applying in different rounds through two applications, I think that possibility should be evaluated to see that since the same entity is having a set, which we are talking about ASCII/LD set, that should be possible to go.

MICHAEL BAULAND: Yeah.

ANIL KUMAR JAIN: This is-- Yeah. Thank you.

MICHAEL BAULAND: Fully agree. This is the intention of the wording. We have to clarify this a bit more. It's independently of whether it's a different round or the same round. The important thing is if those TLDs are to be run as a diacritic set, then it's okay, and if they are to be run as separate TLDs, then it's not okay. Sathees, please.

SATISH BABU: Thanks. Sathees, for the record. Can we go to the next slide, please?

MICHAEL BAULAND: Yeah.

SATISH BABU: Yeah. I have a clarification question here on the third option.

MICHAEL BAULAND: Mm-hmm.

SATISH BABU: Suppose I just want example with the first accent.

MICHAEL BAULAND: Yeah.

SATISH BABU: There is a risk that someone else might apply for the example with the other accent and we get into contention. So defensively, I make it a Latin diacritic set by adding the Latin version also.

Now, in effect, that blocks everybody else from applying for every other combination of example in different accents. Now, is it okay that this situation can exist, or is it something that we should avoid? Thanks.

MICHAEL BAULAND: Yeah, good point. I think it's highly unlikely that such a situation exists because a string similarity panel would object to that. But you're right. If for some reason those two TLDs did not go into contention and they coexist, that would mean that a Latin diacritic set is not possible anymore for that label. That would be a consequence, because if a set were to be created, it means an ASCII TLD were to exist, and that would preclude the other Latin diacritic TLD to exist.

SATISH BABU: Correct. So my question was if people start using Latin diacritics as a way to avoid such contention, unless there is some other factor that prevents them from applying. When I just want one particular thing with a particular accent, instead, I apply it as a diacritic set so that I get the priority or preference for the label. Thanks.

MICHAEL BAULAND: Yeah. If the application is done in the same round, you won't get a priority. It would go into a contention set and that would have to be resolved.

SATISH BABU: Okay.

MICHAEL BAULAND: Yeah. Okay. Okay. Any other questions, comments?

If not, maybe we can do another check whether you think this recommendation is a good approach, and we should introduce this with a wording change to make it clearer and to avoid the confusions we already heard here, but with the intention we discussed. If you agree to that, please put a thumb up or a green mark or raise your hand. And if you disagree, put a thumb down or a red mark.

So counting one, two, three, four, five, I think five or six agreements and no objection. Or asking the other way around, is there anybody objecting to this recommendation? Please raise your hand and we can—

AMADEU ABRIL: Michael, add my—

MICHAEL BAULAND: Yeah.

AMADEU ABRIL:

... vote here, please.

MICHAEL BAULAND:

Yes. Since it's your suggestion, I think your vote is yes. Okay. Seeing no objection, I think we have a new recommendation and we will work behind the scene to smooth it out and make it clearer what this should be. Great. Thanks, everybody. And I think this is also another big step towards conservatism, and I think this would also make ICANN's comment that we should look at the conservatism... that should give us bonus points for that, I guess.

Okay, with that, next slide please. Back to our Preliminary Recommendation 1, which we have been talking quite a while a bit about a few weeks ago. This is about the diacritic characters that should be included in our policy. Originally, we just included the ones that are decomposable into ASCII and diacritic, or which are not composed at all. And then there was a suggestion by Tapani that this is not a real good selection because it excludes characters which are clearly diacritics too, according to several pages. And the suggestion was to change this to also include characters which have a label name, which are called something like "small Latin character [something] with" and then something else.

And we already discussed this for quite a while. And as far as I can see, the majority was in favor of this Option 2, to also include these characters. There have been some comments by ICANN Org mainly that this might be problematic due to the conservatism principle. The hope is that with the clarifications we introduced and the few changes which

made some of our recommendations even more conservative, including the new recommendation just introduced on the last slide, that ICANN would be okay with that.

Sarmad is not here at the moment. I see Pitinan here, but I'm not sure if you want to say something about this, or if you can say something about this. If not, that's totally fine, too. If you want to say something, just raise your hand. Otherwise, any comments from the group regarding this Option 2? Are you still thinking this is the best approach, or have you changed your opinion here? I see Anil's hand, please.

ANIL KUMAR JAIN:

Michael, I am okay with Option 2, but I just want to check whether we have checked up technically whether it has any impact on the root zone LGR. This is one.

And second question on this is that: is it also okay with the Stability and Security Group? So these are just my questions. Have we checked up? And in case we have not checked up, my suggestion is that before we recommend this modification, we must check up. Thank you.

MICHAEL BAULAND:

Thanks. Regarding the root zone LGR, I can already answer that myself because that's definitely okay with the root zone LGR, because we only include characters which are already in the repertoire of the root zone LGR. We are not extending the repertoire of the root zone LGR in any way. So this Option 2 is just, so to say, a filter: which characters from the

root zone LGR should be included in our set of viable or applicable diacritics. So that's definitely not an issue.

Whether there's some other problem with the security and stability, I can't think of any at the moment, but it's a good point. We can try to check back and find some information about that. Sathees, please.

SATISH BABU:

Thanks, Michael. Sathees, for the record. I would also tend to echo the concern that Anil just pointed out of the need for caution, because I wonder if having conservatism in some other recommendations is sufficient to justify Option 2, because this is a foundational change.

This strikes at the very root of our definition and the logic behind the whole PDP itself. So I would still like to hear from ICANN Org as to what is their considered opinion on this before I can really express my position on this. Thank you.

MICHAEL BAULAND:

Thanks. I tend to disagree slightly that it's not a fundamental change of our work because Option 1, which we have chosen before, it was quite an arbitrary selection from us. We just had the question, how do we define a diacritic? And at that point in time, the only approach we had in mind was this Option 1. But we could have taken Option 2 right away if we have thought about that comment. We just didn't think about this. So it's not such a fundamental change in my opinion. Amadeu, please.

AMADEU ABRIL:

Okay. Just also the points that Anil and Sathees raised, and you partially responded regarding the LGR. And also, just for your knowledge, all these character codes at all these points have been used in many IDN tables submitted to ICANN, indeed for the second level, without any security concern. I don't see exactly what's the problem with them, because—sorry—it's not about the code points themselves. It's not about these characters. It's about the definition of what's a diacritic, which is not at all a security issue.

It's, as Michael was saying, a purely arbitrary decision of what code points are here or not. All these points have been used at the second level for years. All these points are acceptable in the root zone LGR. They are not individually creating any problem. It's only about what we consider belongs as a diacritic or not, which is not a security issue, it's a definitional issue. So I don't think the conservatism principle plays any role here. Thanks.

MICHAEL BAULAND:

Thanks, Amadeu. Good point here. I agree that technically, the diacritics from Option 1 are no different than the diacritics from Option 2. They have just a slightly different Unicode definition, but they are still code points as the others are, and all of them are part of the root zone LGR repertoire, so all of them have been considered good to go in top level domains and don't cause a security issue per se on the top level domain space. Tapani, please.

TAPANI TARVAINEN: Well, actually, Amadeu already said basically what I was going to say, that I don't see how the security issue would be any different in this set. If anything, the decomposable might have some issues, but given that they are already in the top level, and in the LGR, I don't really see anything else. So nothing else, really. Amadeu said it all.

MICHAEL BAULAND: Thanks, Tapani. Ariel, please.

ARIEL LIANG: Thanks, everybody. Regarding the specific wording of Option 2, I will revert back to Saewon and Pitinan to deliberate further. I don't have an expert opinion on this, but I do think the working group has been working rather hard to reflect the conservatism principle as a kind of a total package. We're not looking at each individual recommendation separately, we're kind of looking at them all together.

So there are already other kind of steps introduced to make the application for LD and ASCII gTLD sets slightly more conservative, when you look at a lot of these relevant recommendations together. So I think it's a good step forward, and then maybe we don't have to get tangled up into either Option 1 or Option 2 or Option 3. I think as long as the general trend is going towards the conservatism principle and trying to enhance that, from my personal opinion, I think it's a really good direction forward. But I will, of course, revert back to Saewon and Pitinan to deliberate on the exact wording on Option 2 and see whether they have any additional input on this.

MICHAEL BAULAND:

Okay, thanks. Appreciate your comment. And, yeah, I agree in the whole, looking at the whole PDP, extending the characters from Option 1 to Option 2 is not such a big change. There are a few more characters included, but clearly they are diacritics and they should have been included right from the beginning. And if ICANN is okay with the conservatism that we have introduced in many other recommendations, including the new Recommendation X, then it seems that this Option 2 is the best way forward since it does not exclude certain languages that use these characters, just because they are defined differently in Unicode.

Okay. I think I heard a lot of people in favor of Option 2 with the caveat of the security, and so we'll tentatively go with Option 2 and check back with ICANN Org or with Saewon and Pitinan, whether they see any issues here. And if not, this is the way we will change PR1 and PR2. Any other questions regarding this topic? None, just agreement. Great. So we can continue to the next slide, please.

This one is about Recommendation 39, and we basically have two topics, so to say, about PR39. First, we take a look at some comments that have been minor, just supporting the recommendation with intent and just with some wording change. We'll take a look at those questions and changes and check whether that's okay, and then we'll take a look at the more complicated comment which requires some substantial changes.

So this Preliminary Recommendation 39, as we have it, reads at the moment, "Building on an ASCII/Latin diacritic gTLD set as defined in

Preliminary Recommendation 1, which we just read, 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 set."

And the comments here we received are two. One is the adding the term "second level." So instead of just writing "a label," we should add "a second-level label," instead of relying on footnotes and rationale and glossary. And, I think that's quite a minor change and, we anyway always intended this to be second level, so, I don't see a problem with adding "second level" here, too.

And the other comment with regards to this was that, with Figure 3 in the rationale, there was some question about the definition and the meaning of the arrows and directions and the colors. They were a bit unclear, and there was a question to add a bit more clarity to this Figure 3. For that, we'll take another look at those figures, and we already did a few changes in the background, and we just want to present the figures again and see whether you think they are sensible, and we might add some wordings in the rationales. Next slide, please.

So these figures basically are there to better describe what we have been defining to be the ASCII/LD domain set. And there are three examples, starting from the most simple case to more complex cases. So in this first example, we just have an ASCII/LD TLD set, namely .atld and .ldtld, with .atld being the ASCII TLD and .ldtld being the Latin diacritic TLD. And then we have some registration in one of the TLDs, example.atld. And .atld has an LGR, which defines some variant

relationships, and these variants are depicted here via this big arrow, which says that `example.atld` has the variants `exampleV1.atld`, `exampleV2.atld`, and `exampleV3.atld`. So all of these are variants according to the LGR in `.atld`.

And on the other side, for `.ldtld`, we have the exact same LGR and accordingly `example.ldtld` has the following variants in `.ldtld`, namely `exampleV1.ldtld`, `example V...` Oh, it's not the same. Well, I thought we wanted to have that. I have to take a look at the picture again, sorry. Seems like we have there `exampleV3` and `exampleV4`. I think, yeah, I'm sorry about that. We might need to take that back. But the general idea here is that, or maybe indeed it was as intended, the definition says that if we have `example.atld`, then the same label, `example.ldtld`, is part of the ASCII/LD domain set because it's the same domain. And all the variants of these labels are also part of the set. So all variants of `example.atld` are part of the LD set, and all variants of `example.ldtld` are part of the ASCII/LD domain set.

So this is the easy case. It's not the same LGR as what I said. Sorry about that. But still, we have the same domains `example`. They are in the set, and then all variants of those domains are also in the set. And the variants are described here with these big arrows pointing from the label to the variants. The next slide has a... Sorry, I should have looked a bit closer to that before the call. I just overlooked that those were different. So here we have a similar example where we have, again, `example.atld` and `example.ldtld`.

AMADEU ABRIL: Oh, sorry. You were allowing me to speak?

MICHAEL BAULAND: Yeah. You can speak.

AMADEU ABRIL: If you want to, you can go at the end, but what I wanted to say here is: let's face it. Even for us, it's difficult to exactly understand all the examples and everything that PR39 implies. And not everybody will have the luxury of having a little Michael Bauland or Saewon Lee sitting on their lap to explain all the nasty terms. And you are also having trouble explaining these figures that, for me, are hilarious because I don't get anything when I try to read that. A, B, everything gets mixed for me, and it's read in this order.

The problem is that it does not explain the real story. So perhaps we don't need to amend this. Perhaps we need to explain, 'Look, guys, this is what it really means for ASCII labels or other label levels for variants and for ASCII IDN diacritics in practical terms,' because quite frankly, I think that we all got confused at least once with PR39 and this graphic, and me more than once.

MICHAEL BAULAND: Okay, thanks. Yeah. To me, it's clear, but I understand your issue here, and we might need to explain this a bit better. The thing is the concept is quite complex and it's not really possible to make it much easier because, unlike the IDN EPDP, we do not have variants across TLDs because our TLDs are not related as variant relationships. They are

something different, namely the ASCII LDs set. And that makes the definition of what we have to include here a bit more complicated. But yeah, maybe we can add some more explanation and real examples. Well, these are kind of real examples, just-- okay, not real examples. They're abstract examples. But okay, we can possibly come up with some real examples for the next meeting.

So yeah. The general idea is that every label and all variants, of course, need to be in the same entity set because the variants are required to be there by the IDN EPDP already. And then we just have to also include all those labels in all the other TLDs and again, do a transitive closure on the variant, so to say.

But yeah, we might need to revisit this and explain this a bit more in detail. But before we do that, maybe it makes sense to take a look at the public comment that are of a more substantial note because if we are to react on those and possibly change something in our PR 39, it makes no difference to spend much time on these examples if in the end we have to change them due to possible changes in the PR 39. So we keep that at the back of our minds that we need to work on the examples and explanations.

But let's first take a look at the substantial comments. So if you could forward two slides, please. And then we can see how we work on those, and then possibly this might require changes to the examples anyway. So, for this PR 39, there was a substantive comment with significant change required by ICANN Org. There was first the request for consideration of the conservatism principle, which is quite abstract and which we have been looking at for almost all three commentations, but

a bit more concrete is the comment that alignment of the ASCII LD gTLD set and the ASCII LD domain set, and whether additional measures could be developed to mitigate potential end user confusions. So the problem here is that treatment of ASCII LD strings at the second level differs significantly from top level. Different approaches could create confusion, leading to unpredictability and inconsistency. For example, grouping of ASCII LD string as a set does not exist in the second level. ASCII LD set and variant set cannot overlap at the top level. And the working group action is here to consider whether this is a sensible comment.

What plays into the same comment is the one for the PR 40. We can go to the next slide. This is the preliminary recommendation 40 is about the same entity set, which basically states consistent with final recommendation one from the IDN PDP phase two final report. The same entity principle applies to the ASCII Latin diacritic domain set per preliminary recommendation 39. This means that all allocatable domain names of an ASCII Latin diacritic domain set must be allocated or withheld for possible allocation only to the same registrant. Additionally, all allocated domain names must be at the same sponsoring registrant. So this recommendation is basically just enforcing the same entity to this set we have defined in the previous recommendation.

And as a comment here by ICANN Org is that, again, this alignment of the ASCII LD, gTLD set and the second-level domain set, that they are not aligned and that could cause end-user confusion. And in particular, there is the example that domain test.example, just with ASCII, and test where the E of test has an accent dot example may be considered different domains and hence registered by different registrant. And so what ICANN is complaining about here is that for the top level, we have

the rule that the ASCII letters and their diacritic versions have to belong to the same entity. They are not allowed to coexist as TLDs separately. But on the second level, we do not make this requirement, but we leave it open to the registry, to the operator, whether they also want to have diacritics at the second level to belong to the same entity, or whether they want to have freedom there and have diacritics be possibly assigned to different entities. I see Amadeo's hand. Please.

AMADEU ABRIL: Okay, I think now I am unmuted. Okay, Michel, feel free to cut me whenever you want, and I will go back to the queue.

MICHAEL BAULAND: Okay. No, don't.

AMADEU ABRIL: I think this is an important question. I think this is a crucial question because at the end, we are not discussing here about language, we are discussing about our main mandate, which is allow Latin diacritic and ASCII be on these sets if we somehow solve, indeed, not in all cases, in all circumstances, but at least we reduce significantly, rationally, the risk for confusion on the user. Because the problem is not string similarity, the problem is string confusion that derives from string similarity.

Okay, I submit that what we are doing here in current PR 39 is, oh, for ASCII, yes, this applies. I cannot have example as such, .quebec with and without accent as a TLD, and example with an accent in wherever place you want or a tilde wherever you want, being different. Sorry, and the

same example in the Latin diacritic Quebec with an accent, because the second level is the same as the ASCII. Okay, this is solved by the IDN PDP directly. The same for what are variants in Latin or other scripts, but let's take Latin now. But then-

JOHN EMERY: Amadeo, looks like you muted again. So we lost you.

MICHAEL BAULAND: You accidentally hit the mute button, Amadeo.

AMADEU ABRIL: Oh, sorry. I was trying to silence the chat, and I think I silenced myself. Correct?

JOHN EMERY: Yes.

MICHAEL BAULAND: Yes.

AMADEU ABRIL: Oh, by the way, what I was saying was really interesting, so you missed an interesting part. But what I'm saying is that what we are doing here at the end is saying that .quebec, which one here at 11:00 AM say Quebec and Quebec with an accent are the same. And we have lots of linguistic, historical, DNS-related reasons, practicality, ease of use,

whatever reasons, whatever you want, but you want to run both of them as if they are the same thing because Quebec with an accent and without should be treated as the same for this DNS purpose. And at 11:00.5 AM, admin is likely to say, "Oh, but by the way, Quebec with an accent and without an accent are different things when we come to the second level." The first problem is that first and second level are not separate things. We use domains. At very least, they have both. So what we are saying here is we may have not different but perfectly contradictory policies for the two labels in a domain name. Wow. Now, first thing, we should admit that this does not reduce confusion. What I submit here is that this increases confusion, because one thing is that .quebec and .com and .cat and .info have different rules. This already has some confusion in the market. But if the same top-level domain, in the same label, in the same string by the same registry, has contradictory rules depending on whether it's 11:00 AM or 11:30 AM, whether it's the top level or the second level, contradictory rules for the same top-level domain, for the same domain name, this probably we would agree that at least marginally increases confusion. For me, more than marginally. So if we allow this, we are not abiding to our basic mandate. The reasons for allowing that apparently have been threefold. First, IDN PDP has not said other things. B, freedom. Registry should have the discretion. And three, well, operationally, this is complex. The first one is not true. First, materially, IDN PDP does not deal with IDN ASCII Latin diacritic bundles. It deals about other things, but it doesn't say anything specific for us.

Second, we are not overruling that. If we were saying, "Oh, look, for Latin equity sets, we don't want same registrar." That would be

overruling, going against IDN PDP. What we are saying here, in a place where IDN PDP say, "We are not making a choice, we leave that open to discretion from the registry," we are saying, "No. We make a decision here." That doesn't go against the IDN PDP, it supplements it. But indeed, at the end, from a systematic point of view, this is exactly what we should do, because what we are doing is an exception, not to the IDN PDP, but the string similarity rules, and exceptions by nature need to add constraints. It's not overruling, it's not overturning. It's just saying, "Yes, but only if you have these additional conditions." And here we are in absolute logic in applying an additional constraint, not contrary, but purely supplemental to IDN PDP. So there is no contradiction at all in doing that. On the contrary, we are doing what exceptions will do. We are doing something in a more specific case than IDN PDP, which is for all scripts in all cases, and not with the specific case we are dealing with, is not doing. Second one, freedom. Sorry about that, but it sounded strange to me. There is a well-established legal principle that says that nobody has the right to act against their own acts. I put that in the mail in Latin. There are different formulations of that. You will find that in all legal systems. It's not acceptable in law. It's not acceptable in any procedure that you say at 11:00 AM something, at 11:30 AM, you contradict yourself for the same context, which is what we are saying, "Oh, registry should be free." There were some reasons why IDN PDP did not deal with that, but they don't apply here. Because the third one is, besides the fact that freedom doesn't play any role, on the contrary, there is an obligation not to be contradictory with yourself in the same thing when especially you create some expectations in the public. Quebec and Quebec with and without accent are the same. Quebec and Quebec without accent are not the same. The third thing is that there

were mention that there will be some operational problems. Well, this was not exactly correct, but in any case, we can make that even subject to solving these operational problems, and there are even EPP standards on the way to address different ways from the currently used ones to solve that. Finally, Tapani has mentioned a couple of times what happens if the domain names pre-exist. Well, many things could be answered here, but one of them is, again, Tapani, remember, the stoppel principle. If you as a registry have been consistently telling your customers that Quebec with an accent and Quebec without an accent, or example, whatever you want, are different things, well, then you shouldn't be applying for a bundle in which you have control rules. This is like saying that I want a community TLD, but then, I don't want to check whether the registrants abide to the rules. Or I have one million registrants that want to buy it and only the new ones. We will not allow that. So consistency is important in something that at the end, the primary concept is avoiding user confusion and not registry freedom as a general abstract concept. Finally, I don't know how this fits with conservatism or not. I don't understand all this discussion about conservatism, but I suspect that what I am saying here does not go against that. Thanks.

MICHAEL BAULAND:

Thanks, Amadeu, for the extensive. You're a lawyer. We can hear that. You made your case. If we could go to the next slide, and then we can also take a short look at the examples, what we are currently discussing and looking at.

So we had the question, what is part of the same entity set? And there were three cases, so to say. Maybe we start with two slides further up with the case one. This is the most... Oh, yeah. Okay. Sorry. Maybe once I was... Yeah. That's right.

But, so, what is part of the same entity set is, of course, the same label and all variants of that label. Because same label is obvious. If not the same label, what else should be part of the same entity set? And the variants of those labels also need to be in the same entity set. That's just a requirement by the IDN PDP rules. We just have to stick with those.

One slide back, please. The case where we had some discussion and previously decided it should not necessarily be part of the same entity set is this case 1.3, where we have non-variant SLDs for the RSLD TLD sets. So, if we have test.example and test.example with some accents on the test, then we said this is up to the registry policy. And similar cases are shown here in the other lines.

Now, listening to Amadeo's argument, he says, and this is also what ICANN in their comments state, is that this is kind of inconsistent because as the TLD operator, you say, well, the top-level domains example and example with an accent, these are to be considered "the same" in some sense of sameness. We handle them in the same way. They are part of an LD set. But at the second level, we leave that up to the registry operator if they also want to consider these labels the same at the second level. And this is what ICANN says it's kind of inconsistent to do that. And also, Amadeo says if it were a legal thing, this would not be allowed because you would be going against your own rules. At the

top level, you say it's the same, and at the second level, you say it's not the same.

So question to the working group, what are your thoughts about this? Are you still in favor with our previously agreed on decision to leave that up to the registry, or have these arguments, the comments by ICANN and the reasoning by Amadeo made you change your mind and think that this should not be left to the registry policy, but has to be handled in this PDP, and this therefore also needs to be part of the same entity set? I see Bill's hand. Please.

BILL JOURIS:

Yeah. Amadeo persuades me. I think he's exactly right that consistency is important here, so I think we should make whatever adjustments are necessary to achieve that. Thank you.

MICHAEL BAULAND:

Thanks for voicing your opinion. Any other thoughts, opinions? We have Amadeo and Bill in favor of this. Tapani, please.

TAPANI TARVAINEN:

I'm still not sure that enforcing the second level same entity principle is always necessary. There might be some specific top-level domains where it doesn't make sense, but I will not object strenuously if everybody else thinks that this is fine, it's not likely to be significant. So with a, let's say, qualified doubtful on this point at this stage.

MICHAEL BAULAND:

Thanks for your comment, and please note that this is, of course, not going to be policy for all top-level domains, but only for those top-level domains which are part of a Latin ASCII diacritic TLD set. So we are not enforcing any policy rules for standalone TLDs, that they can still handle their second-level diacritics the same way they always did.

The suggestion here is just that those TLDs which are part of an LD ASCII set, that they will also have to have the same LD ASCII similarity rules for the second level, which they already have at the top level. I still see Amadeo's hand, but I guess it's just an old hand, so I forward to Edmond. If it's not an old hand, just keep it up and I'll call you next. Edmond, please.

EDMON CHUNG:

Yeah. Thank you. I think I generally agree with Amadeo, but I think I side with Tapani in the sense that if someone actually proposes a situation where it is not absolutely consistent, there should be a very high bar for them to justify that to actually happen. What I really mean is that we should probably add a implementation guidance that says if a registry operator makes a proposal and does not make it consistent, it should be a indicator that maybe they don't know what they're doing. Unless they provide a very convincing argument that it should be allowed, then the evaluation should come to say, "You don't really know what you're doing," and, "You should not be allowed to proceed with this." So we should set a high bar, but not absolutely prohibit, if that makes sense.

Because I think to set a policy at this level to make the top level and second level consistent could be a slippery slope. There's so many

differences, right? There are no hyphens, there are no digits in top levels. There are lots of things. But something like this, we should set a high bar that if they don't propose a situation whereby the top and second levels actually has consistency, we should be very suspicious whether this registry operator knows what they're doing, if that makes sense.

MICHAEL BAULAND: Thanks, Edmond. So your suggestion is rather than having a strict policy here that requires this to be done by the registry operator, it's kind of strongly suggested to be done. But if they want to do it differently, they could, in the application process or possibly afterwards, I'm not sure, voice an opinion and a reasoning and argue why they could handle it differently. Is that correct, am I understanding?

AMADEU ABRIL: May I? There's something else.

MICHAEL BAULAND: One second. Amadeu, just wanted to check with Edmond whether my-

EDMON CHUNG: Yeah

MICHAEL BAULAND: ... understanding is correct.

EDMON CHUNG: Yes, pretty much. Yeah.

MICHAEL BAULAND: Okay. Thanks, man. Thanks. Amadeu, please. Go ahead.

AMADEU ABRIL: Okay. I beg to disagree with Edmond and Tapani here. Yes, things may evolve and may change, but let's take a radical thing, and I think we are talking about same entity in probably the wrong approach, I mean the wrong side of how to look at that. Let's imagine a very different case. Let's imagine São Paulo as a city applies for both São Paulo with and without tilde, and it decides that São Paulo without tilde is only for their own exclusive use, it's not open to third-party registrations, and it's only ASCII. Right? So that is very different.

Still, there are very good reasons to enforce same registry, sorry, the same entity rule in the sense that Abril, my family name, do São Paulo, should not be registered by the city hall on one side if I am the registrar on the other. It doesn't mean that I should have the right to have the domain in one that's closed and only for the city. But it means that the second level should be still the same. If they come to ICANN, staying at the top level is the same, even if then they apply and they expand, there are very different rules.

So I don't see any single real-world case, and if somebody can provide one, that would help, where it makes real sense to allow different entities to active domain names at the second level that are identical in

the two TLDs, but the registrants are different, and whether this will not create confusion, which is our mandate. It's not, again, registry freedom. It's not the city of São Paulo policies or preferences. Our mandate is to allow this if, and only if, we reduce the risk for confusion, and I don't see that.

Then, if we want exceptional processes, there is always the possibility to amend the agreement. But I don't think that in the application guidebook where it goes, where we are going here, where we are addressing the String Similarity Panel, not ICANN as a whole, GDS in a registry amendment procedure to allow that. I think that we will only create rules that could not be applied. Thanks.

MICHAEL BAULAND: Thanks, Amadeu. Tapani, please.

TAPANI TARVAINEN: I've been trying to come up with some credible example where it might make sense not to enforce the second level same entity principle. And the case I'm thinking of is something where the top level domain is specific to some language where the diacritics are not seen as versions of the same character at all, but are completely different characters. So, well, like Finnish, if you like. Or Bamarakan and some others. So in that case, it might not make sense to require strict enforcement of the second level.

But I guess people will come up with workarounds for that case, but in general principles, I think it might be possible to come up with a

convincing example where that makes sense. So I think Edmond's idea of requiring some unusual justification, high bar on that would make sense, but an absolute no, perhaps not.

AMADEU ABRIL:

Sorry. This is Amadeu again. Even if we agree, do we understand that what we are doing is policy to be included in the next versions of the applicant guidebook as a guideline for the String Similarity Panel? And do we believe that this is something that the String Similarity Panel would really assess? I don't think so.

As I said, there is always the possibility to apply for an amendment of the agreement later. You may be evaluated as a community TLD and change the rules of the community later. But in the application process, dealing with this, I think it's just dooming the whole process to a failure.

MICHAEL BAULAND:

Thanks. And one comment regarding Tapani's comment. If you are thinking of an example with a language in which diacritics are not really considered the same, then in that language also, the TLDs should probably not be put in an LD set, because as a user for the TLD, they are also not considered the same. So, that's why what Amadeu said, the consistency is here. If you say that for the TLDs, you as a registry say the diacritics are to be considered the same, then you as a registry should be consistent to also have the same rule at the second level. Okay.

So we have, if I see the comments in chat and voiced here, there's no one totally against a change here to have these diacritics at the second

level also require the same entity principle. It's just that there are two parties, so to say, one where they say this must be the case for all TLDs. If they have an LD ASCII set, they say that the TLD on the TLD level ASCII and diacritics are considered the same, so they must be consistent and also do that at the second level. That's one group who's in favor of that. And then there's another group who says that, well, yes, mostly it makes sense, but we don't know if there are exception cases possible, and we don't want to enforce this if some registry comes up with a good reason to not have that situation. Yeah.

So any... Still a lot of chat happening. I'm sorry, I can't follow this all at the same time while speaking, so I might need to read that either after the call or if someone... Yeah. I think these are all good discussion points and possibly we will take the decision next meeting, so you can all take some days to think about what has been discussed, cases in favor or against. And I see Anil's hand, please.

ANIL KUMAR JAIN:

Thank you, Michael. I was just thinking that today we are talking about at the top level, a set of ASCII and LD. But till now, since this policy is not implemented, this is not considered as a set.

Now consider that at the second level. Right now, the same entity principle is not applicable, and ASCII second level and LD second level are given to different registrants. If we follow this policy, which we are considering today, what will happen to those cases which are already allocated? They are already working. There is no issue in the system. I think we have to think about those examples also in case we are

recommending the policy which Amadeu or Bill is supporting. Thank you.

MICHAEL BAULAND:

Thanks. Just two quick comments here. First of all, we already have the same entity requirements at the second level, just not for these specific cases. And what about cases where domains like these already belong to different entities before such a TLD becomes under our policies because there's a new TLD application which makes this TLD as part of the LD ASCII set? Then there would be some grandfathering rules which already now also exist in the IDN PDP, where we can have cases where two domains which are variants of each other currently do not belong to the same entity.

The IDN PDP said that in these cases, there is an exception process which allows the domains to exist as long as they want to and only new registrations come under this same entity principle. So it wouldn't cause any issues with any existing registrations. It would just be part of that. Yeah, I think this is also what we have already now, if I see Saewon's comment correctly, it's part of the Recommendation 42. So that's not a problem. Amadeu, please. And just three minutes left.

AMADEU ABRIL:

I would add-

MICHAEL BAULAND:

So Amadeu, it means be short

AMADEU ABRIL: ... Yes. I won't say anything about this topic because you already said that. I have a different question, and something that I think was raised also in the last calls regarding voting here in the chat, or whether we will have some kind of more formal structured voting via SurveyMonkey, or whatever, or in presence or in the mailing list. Because, again, I have the impression that all this consensus in the chat part of the Zoom app is something where a little bit difficult to really track and to have consistency.

MICHAEL BAULAND: Thanks. Yeah. There will be a real call for consensus. I think ICANN, or Saewon or Steve can talk a bit more about this. I'm not sure if we should do this in the last two minutes or whether this will be part of the next meeting, but there is an official call for consensus as part of the PDP process.

And with that, yeah, Saewon says consensus call on how this will be handled will be reminded during ICANN 86. So, that should hopefully answer your question. But it's not just here in the chat and voicing opinion. There's a more formal process for that. With that, and just two or one minute left, I hand it over to Saewon.

SAEWON LEE: Thank you, Michael. One minute left, so I'll be very quick. So there's no meeting next week, as you can see in this slide. We have a work plan for until 8th of July. Right now you probably have invitations received until

the 1st of July, and we'll see how we go. But our next meeting is at ICANN 86, 9th of June, Tuesday. I think it's in the afternoon. Please do check your schedules, and we will continue with the discussions on 39, and then hopefully go on until the human rights impact assessment.

And just to conclude on what Amadeo was asking, during ICANN 86, we'll give you an overview of the consensus call, how it will be conducted, when, et cetera, and obviously remind you of what we went through during kickoff.

Other than that, if you see in this calendar, so after ICANN 86, we don't have a meeting the following week, but resume on the 24th. And again, we'll see how we go. Related to our timeline, again, we are going according to schedule, but just please, for ICANN 86, do review the public comments through the review tool in its entirety. Thank you.

MICHAEL BAULAND:

Thanks, Saewon. And with that, we can conclude the meeting. Thanks everybody for the great discussion and the good progress. See you all in Sevilla, hopefully. And if not, then remotely again. Devan, you can stop the recording. Thanks, and goodbye.

[END OF TRANSCRIPTION]