

Transcription ICANN Beijing Meeting
Internationalized Domain Names (IDN) Meeting
Saturday 6 April 2013 at 15:45 local time

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: <http://gnso.icann.org/en/calendar/#apr>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

<http://gnso.icann.org/calendar/>

Coordinator: At this time I would like to inform all participants today's call is being recorded. If you have any objections you may disconnect at this time. You may begin when you are ready.

Jonathan Robinson: Hello it's 3:30. It's half past the hour. Can I get everyone reseated and ready for the next session please?

Councilors and others in the room, if I could encourage you to either be seated or continue your conversations more gently at the back of the room. We need to commence the next session.

Right. So our session now at 3:30 local time is a number of issues within the area of IDNs.

So if I could ask that we start the recording if we haven't already. Great, so we're rolling.

And I think I'm going to hand over to Ching right away to kick us off and welcome his co-presenters to join us here. Thanks very much.

Ching Chiao: Thank you Jonathan, and thanks - oops. Okay, thanks Francisco and (Steve) for joining us. And Naela, I'm sorry. Hi, Naela.

So today we pretty much - I think it's the right time and right place to talk about - to address the IDN issues. Today we're in Beijing. And I'm just helping to facilitate - I mean the dialogue the conversation here.

So we aim to setup - set this up as a more interactive session. So two topics here. As you can see on the screen that we have 45 minutes for VIP -- the Variant program -- and 15 minutes for the IRT. Staff here will provide the brief updates on each two issue - each issue.

We had some good discussion on the men in this in the past few weeks. I put together some discussion points as you can see here.

Before I hand over to staff I would like to make a very relatively brief remarks here. So in this room I can see many familiar faces here. There're many pioneers, many inventors, entrepreneurs.

For the past 14, 15 years or so they spend their energy and efforts individually or collectively on the IDN development from the IDNA, from the guidelines, from the browser plug-ins. And then later we have this IDN ccTLD fast track, which ran faster than the gTLDs and still ongoing.

So this is 2013 now. We are looking at a full realization of IDN. This is very historical. And kind of this is the last mile for our work here. So as I mentioned last time in Toronto let's just do it right.

We know some on the applications they are eager to get delegation with particular - that - I mean one apply for stream. Some prefer actually to have a synchronized delegation as the IDN ccTLD in which that is so far the best practice and recognized by the technical and also the ICANN community.

So I hope today we -- I mean the applicant and also the staff -- can view some mutual on the standing here on the principle of the variant delegation blocking variant TLD string fees per domain transaction fees which we'll be talking or actually we'll be discussing that later.

It is certainly not and cannot be a one way street here. I mean of course those discussions - the IDN delegation - the variant delegation has to make some sense from the user experience, from the security and public interest perspective.

So with that let me pass to Francisco and then open up for discussion and question. Thank you.

Francisco Arias: Thanks Ching. So I would give a brief update on the IDN variant TLD program. I don't have any slides to show staff, so I may have to stop. We have Marika briefing that is scheduled this week on Wednesday. I believe it's at 1:30 pm in case you are interested.

So briefly the IDN variant TLD program it's just finalized the third phase of the program last month. We published a couple of documents. The first one what is the called the IDN Root LGR Procedure. It's a procedure to develop what you may call the IDN tables for the root. And that is, defining the setup characters of what would be allowed for IDN registrations in the root and defines the variants, if any, of those code points.

And the disposition that was variants will be allowed, meaning for example a variant will be blocked and nobody can have it or if it can be actually allocated and active in the DNS. That is one of the documents.

The other document is a report on a user experience study related to variant TLDs. That report contains a series of recommendations about what should be done to ensure a good user experience in relation to IDN variant TLDs.

So there is a next phase that is planned for this program that is focused on developing, for example, from those recommendations in the user experience study develop things like modifications to the applicant guide book or contracts or IDN guidelines in order to address the issues related IDN variant TLDs.

There is also the plan to implement this Root LGR procedure to start populating these tables that I mentioned before. So those are the next steps related to the IDN variant TLD program. Thank you.

Ching Chiao: Thanks. So with that I - I see a hand here. Marika.

Marika Konings: Yes, this is Marika. I have a question from a remote participant from (Andy G.). He has a question.

Does the VIP program include issues relating to VeriSign's upcoming dot com dot net variants? There are for example 30,000 (seretic) IDNs presently registered and operational in a dot com that are expected to be seamlessly moved over to the new dot com variant when it goes live.

Although VeriSign mentioned these registrations in their dot com applications, that doesn't seem to be provisioned in ICANN's standard contract to allow for this grandfathering to happen.

All polls are nearly 700,000 current registrations in IDN dot com expecting to be grandfathered into their non ASCII equivalents. The same grandfathering concerns exist with affiliates dot info variants and PIRs dot org variants.

Francisco Arias: Okay, Francisco here. So I - so variants are not according to the applicant guidebook. They are not to be delegated just yet.

A very simple resolution in 2010 that clearly states that variants cannot be delegated - IDN variant TLDs cannot be delegated until the solutions are put in place. And that's the solutions that the variant TLD program is building.

I don't think I can comment on the specific cases like the one mentioned before. But what I can say is that there is in any of the work of the variant TLD program there is no consideration to have something like variants between ASCII and IDNs. The consideration has been always to be about purely IDN variant TLDs. Thank you.

Man: Yes, I mean I was going to say that question's more about transliterations than - it's not about variants. So it's - I don't think it's really subject to this.

Ching Chiao: Actually I would prefer that and that we don't go to specifics extensity of the case. I mean as an example, I'd like to speak with the discussion points here.

So our first one is the discussion on the user experience public interest, operational readiness, security concerns, et cetera. These questions actually is for staff and for the applicants or for the communities that do we still need - are there still any remaining concerns in terms of let's say securities or any user experience that we as a registry or we as a registrar we have some expectations in terms of the IDN variants.

I'm not sure how should I appoint it to, but maybe staff or some others in the floor would like to address or make some statement on that. Yes, Edmon. Let's go to (unintelligible).

Edmon Chung: So this is Edmon speaking. I'm - in terms of the I guess related to the user experience report as well and what Ching just mentioned in terms of the security instability and sort of how we see this. One particular conclusion from the user experience study is kind of interesting I guess, you know, in terms of the variant - the importance of the IDN variance.

And of course the LGR process takes us down a road in terms of the IDN variance TLD being eventually in the root. The question here - I don't know whether I have jumped the topics, but I think one of the most important aspect is when we work on the actual implementation of IDN variants, does the team - how the team view in terms of the agreement, the registry agreement?

How - whether there needs to be changes, you know, to handle IDN variant TLDs since we are looking down that path. And also, you know, whether, you know, there are few provisions like the Escrow requirements like the TLD itself and of course also fees and how that would work.

There's seems to be still quite a bit of work there. But some of this might have to be fast forwarded as we start signing agreements with new gTLD applicants who went through the process that even though we don't - we're not allocating it just yet some of the provisions might need to be in place. I don't - I'm just curious whether the team has thought about those issues.

Francisco Arias: So, Francisco here. So yes, part of the program and one of the projects in the next phase is specifically to going to the recommendations from the user experience study and develop any changes that are needed in the rates agreement.

Whether I believe that we will be changing soon I think it's most likely yes. For example, there is work recommendation that comes to mind. They need to have the two TLDs to be considered to better - to be managed to better. And something like that you would need to put in the contract I believe.

Ching Chiao: Jeff.

Jeff Neuman: One of the fee issue at the second level registrations in variants. And I realize the registries can offer different solutions of how they deal with variants. One

of the things that we do that NeuStar does for its applicants will be a bundling function, right.

So if you register - and I'm not the expert at this. I may not be saying this exactly right. But if you register a second level name -- an IDN name that's got variants -- we will automatically bundle them together so that you could not separate the registration. So once you register one we then block the variant out.

And one of the things I'd like to see added to the agreement is that that is treated the same way as the new provision which is blocking registration. Even though that type blocking registration's for abuse or malware, I'd like to see the same type of thing here where if we block them and they can't be used separate and apart from the original that there's no extra fees. That it's just - it just counts as one registration.

So that's something I'd like to see in the agreements if you use that bundling function. And I know I will say just as a - there's been a lot of confusion and a lot of questions from evaluators on variants in the new TLD program and follow up questions. And I don't even - and it depends which evaluator you get. I'm not 100% convinced that the evaluators necessarily fully understand the variant issue with some of the questions that we've gotten over and over again.

But I do think that that is something that needs to be worked out with - on the fee issue especially. And I'm trying to think of what other issue would be contractually related. I think you said Data Escrow is another one. How would that be impacted? I mean it just needs to be Escrow together or - yes, okay.

Man: Okay, (unintelligible).

Man: Yes, just before I need to confirm I want to say just up front you said that this is your - this is NeuStar's policy to bundle the variants in the second level?

Jeff Neuman: It's NeuStar and one that we're implementing with - it's like the base of what we're implementing as a backend for all of our TLDs.

And nobody's come to us and said that that's not the way that we'd like to see. In fact and it's what - by the way we support registrations in CN and TW and it's what we do there. So...

Man: So first I just want to stretch out that this is an issue that I think it's a policy issue that, you know, Juan and I can actually attend it. What do you do? This is - so you decided - I think it's the right decision by the way. But this is your - what happens with other registries?

Now clearly this is important for the user experience and for security issues to do that. There's another problem. Not all languages have variant tables ready -- as we know. We had this whole process.

But this process is regarding IDN TLDs, not second level. I was in the committee, and they talked about that. It's important that we kind of take this to the second level also.

And I've raised - I've sent an email in the list asking on a point that I would really like to hear from Fahd is what happens on the TNCH? What are they going to do? No one talks about that. So there's an IDN trademark. So do they get the variants automatically?

Now just to give you an example, we still don't have a variant table for Hebrew. So we're now working on it, but it's - I kind of volunteered to do that. But it's - no one did that. So now this is just happening.

So I'm just saying it just comes to the point we talked about before. I think we're not ready. I think there's some issues. How can you implement TNCH without resolving these issues before? So, you know, just my two cents.

Ching Chiao: Thanks for actually bringing us back to the topics. I know we jumped directly to the third one -- the contractual language. But things you're actually - we've - it seems that I mean the operational readiness is one particular concern for the applicant and also for the registry who's - I mean the IDN registry who's geared up for the launch and also the trademarking house interaction. It is purely unknown to many of us in the room. So I know Holmes' coming first - Francisco would you like to respond on that particular...?

Francisco Arias: So just quickly I happen to be involved in the clearinghouse. So I think I know the answer to your question.

There are no provisions in the applicant guidebook regarding variance trademarks, and that's very clear. The trademark section of the applicant guidebook says only that exact matches. And exact matches really - the definition - it's not really exact match in the English sense.

But anyway, variants are not considered as part of the trademarks restrictions in the trademarking house. Having said that, the registries that are using the clearinghouse house can implement a variants according to their policy. And they can offer variants of the restrictions related to the restrictions in the clearinghouse.

So what I'm trying to say if you are for example doing Claims and you have to registration of probably Claims is not the best example. sunrise, you can't with you're talking was is called SND or what's the registration of a string related to a trademark then you will not get immediately the variant, because sunrise is limited to only what is there in the SND. And there are no variants there. However they will offer to you registration of the variant immediately after the sunrise period related to that registration.

Man: And that - I'm sorry I have to respond. This is of course it's clear that that's happened - that that can happen. But I think that you can understand that this

is not - this was not the point of the TNCH. The point of TNCH is brand protection, is protecting brand and allowing them to protect their trademark.

If a trademark owner pays \$200 for one registration in the trademark clearinghouse and then just for because that specific language has maybe that, you know, words can have six seven sometimes even more variants that needs to go to register them separately and they might be taken by someone else or maybe they need to apply in sunrise through other type of - I don't know what.

This is a mess. Okay, this is a mess for brands, for brand owners. This is clearly something that has to be resolved before we implement the NCH. I don't think it's a good idea that this will go forward without resolving variants. The group policy from my point of view is just like NeuStar does -- that variants will be bundled. But this has to be decided some way. Okay? And that's what I'm saying.

Ching Chiao: Han Chuan and then (unintelligible).

Han Chuan Lee: Okay, I have my own comments on the variant issue, but I want to go to the TNCH first. As a law professor and trademark lawyer here based in Beijing I do have a serious concern about the capacity and expertise of the current delegated TNCH to handle the trademarks in IDN scripts.

Well just now the colleague raised a very interesting and valid question. Can they really recognize these variants as the one trademark not separate but two. Otherwise the same TNCH is missing its whole purpose. Does it fulfill the purpose to protect trademark owners if the trademark owner would have to settle it twice? Bring it back Chinese IDN characters.

We have simplified version and traditional version, and they are using - they're being used concurrently. Not only in Mainland but also in Hong Kong, in Taiwan, in Macau. So how to handle that? (Unintelligible).

One version of Coca-Cola ((Foreign Language Spoken 0:23:18)) in simplified characters and I have to pay for a second time for the ((Foreign Language Spoken 0:23:24)) in traditional character. This is really ridiculous. They have to be connected in some way, but it's no policy here. So we do need to have policy and development very quickly. Let's go to the second point.

I read the report from YT team of the user experience. I think it's very much moving to the right direction, especially the time we think about the possibility of the delegation of variant TLD. This is the great leap to my understanding.

But it seems that you still think about a long timeline. The time is critical here. We don't have time. Think about the possibility in 2014. If my memories correct, but thanks to ICANN's IDN going first policy the first batch of TLDs will be delegated with the IDNs -- so all the IDNs. And they will be delegated in hopefully June 2013. So there's a gap between these processes.

And then how to handle that? I'm seeing only one solution. Maybe I'm naïve, but that's something that's pretty innovative. In ICANN policy ICANN asks all the TLDs to submit public interest commitment. So my question here is that for all the IDN relevant TLD applicants should they submit a kind of public interest commitment that they will observe or respect IDN variant tables if it's applicable to their domain?

This is not only for top level but also for the second level. I guess the RT team is not limited to top level. It's also addressed to second level and subsequent levels. Okay, my two comments. Thanks.

Ching Chiao: Thank you Han. Yes, the timeline issue - I mean let me jump in here quickly before I give it to Zahid. So the timeline issues, we talked about this in our call previously, and I mentioned to you that this will be brought up is that the VIP work - the timeline basically is being known to us or I have been led to know that the variant delegation will not be ready until next year, which to

some people in the room they may not find this acceptable simply because of, I mean, various implementation operational issues here, I mean, are just being brought up. So but then - actually let me stop here. I have many people. Then Zahid You have...

Zahid Jamil: Yes, I have. Thank you. This was an interesting discussion. And it sort of opens up a really much larger can of worms when it comes to trademark issues. Because I think what we we're dealing with in the ASCII space was limited. And I know how much debate that sort of generated. When we get into IDNs I mean there's a whole different ball game.

And to be perfectly honest I hadn't actually, you know, thought about it that much so thank you. Surprisingly you both agree. Excellent.

So on the trademark issue is about a visual similarity, and I don't have to explain why. Obviously this is such an issue to my colleague on my left as well from China. So I think the word ((Foreign Language Spoken 0:26:52)) whether it's in Persian or Arabic will look the same. Or ((Foreign Language Spoken 0:26:55)) will look exactly the same. And so if we allow people to, you know basically get protection for sunrise under one of them and not the other then that's a very easy workaround from phishing and so many other things.

And I just wanted to stress the point that this is not just about trademark protection and brand protection and for brand owners' protection but it's also protection of number one, the consumers. So that they know who they're dealing with. So it's basically consumer protection which is pretty much the mandate of under the ALC.

And the second is also protecting the registrants. Because there will be a claims notice that'll go out. And so, you know, it's also they don't make a bad decision, so you know it's not just one vested interested that's being protected here. Thanks.

Edmon Chung: Thank you. Edmon speaking. So I guess following with the conversation I really wanted to go back to the team I guess both the ODR and the user experience.

With the current findings -- especially on the user experience one in terms of the importance of variants -- do you think, you know, - would you recommend the new gTLD team that we are ready for, you know, the TNCH as mentioned and also, you know, with the understanding that IDN variants is so important, do you think we're ready with the delegation of IDN TLDs without variants? Would that cause a security concern given the user experience study?

Because, you know, there are clear indications that variants are needed in certain cases, and without which we are threatening the security and stability of the implementation overall. So that's one particular item.

And then a point of clarification -sorry I jumped to number three, but I come back to number one. A point of clarification on the user experience study, I just want to make sure that in section 6.2.1 you are not suggesting something that is in compliance with CDNC, the Chinese Domain Name Consortium policies and the RC 3743 in terms of preferred variants.

So I just want to make sure - clarify that. I'm guessing it isn't, because in the document you have extensive description of how useful that feature is. But I just want a clarification on that. So are we ready, would you recommend, you know, gTLD team to go forward, and the clarification on 6.2.

Ching Chiao: Han.

Han Chuan Lee: I want to have a quick response to my colleagues about the IDN trademarks. It's been a very interesting topic. Well to respond to your question about variants, it was about TNCH, I can put it this way.

TNCH is nothing about consumer similarity. There's no similarity issues here. But with TNCH the data of trademarks (unintelligible) should be identical match. But here the issue is there's no policy on variants. So the make for some things is really ridiculous. To use the example of Chinese, the simplified version, traditional version are actually represent the one trademark, but they don't look like similar. They're not similar, but they are the same. They are identical. But because you don't have a policy so they cannot be recognized as the same and cannot be recognized as one.

So think about if it recognizes two records there would be serious public confusion in facts. And let me remind you trademark protection is not only for the protection of private interest of trademark holders, this protects the public interest to avoid the public confusion. I guess you lost the public interest here. But there is serious concern about the capacity and expertise of the TNCH delegated so far to handle the IDN variant issue.

Ching Chiao: Thanks Han. Let me perhaps take a quick example of the how the variant works here. Basically if you take the English I mean many of you have used this - I mean this example before. So let me take that from some of the users that if you look at the English characters it is very similar to the for the Chinese - it's just like the capital.

When it's being put in the domain system you always see the same resolution as the - I mean for those lower case characters. So you always leads to the same destination. So basically what I can understand and appreciate the argument here is that fortunately in the English (unintelligible) the capital letter and the lower case that's being resolved. That's done technically, businessly (sic). But for the Chinese and for other languages that part is missing. Jeff.

Jeff Neuman: I guess my question is - I'll take Chinese as an example. So there have been at least delegation of a Chinese top level name, right, that matches the country code. So before we leave everyone in this room with some kind of

feeling like we're just completely not ready, let me ask what were the problems for trademark owners in the launch of that one? Was it huge? Was it something that we need to stop the whole program for? Is there data out there? Maybe Edmon can answer that.

Ching Chiao: Edmon - do we have anyone who runs dot China?

Edmon Chung: I think that's a very good point that Jeff just raised. But with the implementation of both dot China and dot Taiwan, both of them had IDN TLD variants and also both of them handled IDN variants with the sunrise and the launch. That's the difference.

Right now we can't, because of the policy gTLD process, which is not in the hands of the registry. So that's - so we - the community is ready. The policy of ICANN is not. That I think is our point from our side and Han.

Ching Chiao: Jonathan.

Jonathan Robinson: Just got a question. I mean you guys are talking all -- this is Jonathan Robinson. But you're talking about policy, Han in particular and now Edmon. I want to be clear. Because from my point of view this is really about implementation at the core face. This is a decision of, you know, - the decision is to put trademarks in the clearinghouse exact match only. The execution of that is really then a - I mean of all the clear things to my mind this is a clear issue of implementation.

As Jeff said the registry he's working with they're able to - they've made that implementation decision to execute it in a certain way. So I'm just a little concerned if we keep saying this is a policy issue when the policy seems for once in this case to be clear. It's actually really about how it's the technical execution of it. So if we could clarify that I think that would be helpful.

Man: Well I think the issue is that we can handle at the registry, but what they're saying is that at the clearinghouse that they don't recognize the variant. There's no way that the registry will grant that registration during a sunrise. So unless an exactly matches what's in the clearinghouse we won't grant it during a sunrise.

So let's say a trademark owner tries to register their variant during a sunrise we would say, "No we don't know that." They'd have to register the right one in order for us to bundle. I don't know if that makes sense. You're looking confused.

Man: Let me see if I can help clarify it a little bit. I don't have all the answers. I don't necessarily an expert in this space. But one way to sort of - you know, if you want to sort of talk about implementation versus policy, on the clearinghouse side one way to look at it is suppose that you have a name and there's one variant for it. So it's really two different strings that are from a trademark perspective should be treated the same.

From a technical perspective you could put both of them in clearinghouse when the registrar, you know, pops a domain and says this is the one he wants to purchase they can clear the clearinghouse twice and get a match. And technically that can work. Okay. So you could say maybe there is a problem.

On the other hand if you are registering the trademark in clearinghouse presumably the policy that's in place now is you do one registration and there's a fee associated with that. Now if you want to register a variant does that mean you have to pay twice? Does it, you know, - so and is that an implementation question? Is that a policy question? I'm not sure I know the answer, but it's clearly a question that is - has not been resolved. So I guess that's an example of an area where there's a gap.

Man: So my - what we're going to try and do is just - my friend on my left is also going to try to sort of ducktail into this. I think the issue is in response to the issue of dot CN and Chinese IDNs. My understanding is that dot CN has a policy on variants. But ICANN doesn't.

And so to respond to Jonathan's point, the thing is it's not an implementation issue. It's that ICANN doesn't have in its policy for gTLDs and gTLDs a policy regarding variants and how it's supposed to be dealt with.

And absolutely it's a cost issue as well. So that's I think what the issue is. And so there needs to be development of a policy within the new gTLD to be able to apply to what happens in this space.

Han Chuan Lee: I think Zahid is very right. Back to the IDN ccTLDs, many people say that why don't we learn the practice of IDN ccTLDs variants management and make this apply to IDN TLD variants. (Unintelligible).

The problem is that there is actually no policy on IDN ccTLDs variants. There are only practices and very much by ad hoc. There's a few variant ccTLDs delegated, but they are not labeled as variant ccTLDs for China without China simplifying dot china in traditional. But they are delegated as two TLDs, another twice. That's a very interesting part.

And let's go back to Zahid's point. With those variants being addressed is actually a territorial level within dot CN. In dot CN's registration policy they actually link up the two versions of the language scripts. So this is actually the CN submission for management of variants. They should be managed through a registration policy and subject to each TLD to decide whether to link up. But they should use the same variant table whenever it's applicable. Although this doesn't solve the problem that is territorial policy, but it's no universal policy at ICANN.

Ching Chiao: Okay, I have Milton, James Scott, Yoav, and (Alans). Anyone else would like to - Edmon and then we will cut off after. So Milton.

Milton Mueller: I just have a question. A point of information, when you register a trademark do you create a separate registration for a let's say simplified and traditional Chinese characters, or do you automatically get the trademark in both cases?

Han Chuan Lee: Thanks for answering his question. Well probably I can comment on those variants of the Chinese community the trademark office policy. In mainland Hong Kong, Taiwan and Hong Kong they're actually no policy on variants per say. However thanks to the trademark laws design a trademark cannot be registered if it's confusingly similar to the preexisting registration.

So actually this is so any third party there's no way to register a traditional form of a Chinese trademark if the simplified form has been registered. So that's the practices so far.

I do see some problem occur actually. In Mainland people register the simplified version dot com and someone in Hong Kong has registered traditional version in Hong Kong (unintelligible) region.

It's happened in two jurisdictions. But since the closed partnership agreement has been signed between the two jurisdictions this issue has been resolved. So these two record -- the conflicting ones -- should be settled. One should be cancelled if it involves (unintelligible) on trademark copy. Did I answer the question?

Ching Chiao: Thanks, surprisingly the discussion has been led to trademark issues. We were hoping that - but seems that this is also something that is on our radar. So let's just keep move on and see if we have time. So J. Scott.

J. Scott Evans: Okay, this is J. Scott Evans from Yahoo and a member of the IRT. So first to Milton's question, it depends on the jurisdiction. There are some jurisdictions

that will allow you to register a list of variants of particular marks in different stylized formats and different languages as long as it all has the same meaning jurisdiction to jurisdiction. So in some it can be done.

It appears that in China it is a matter of policy that it's done through the office examination where they make that determination. With regards to the trademark clearinghouse you can't be in the clearinghouse unless you have a registration for the term, okay. So you can't be registered in the trademark clearinghouse to indicate anything unless you have a registration.

So for Yahoo we have a Chinese character mark that is a transliteration that when spoken sounds like Yahoo but actually means glorious tiger, okay, which I agree with.

Man: That's a great (unintelligible).

Man: Now with regards to (unintelligible) question and the answer about technical, it's already built into the system. Because for M ampersand M for Mars -- the candies that we all enjoy -- they can choose variants, because ampersand can be shown in different ways.

It can be M-A-N-D-M. It can be M space underscore A-N-D underscore M. And so they have for one price they get to choose M and M and then ten variants. So the technology is already in there. And with - if the Strawman proposal should go through, the same technology was going to be used for Yahoo and Yahoo with two zeros if we show that it qualifies as one, we've gotten the decision showing that it was an abusive registration in the past. And we would get up to 50 variants under that proposal.

So the technology already exists within that. As for a policy, if a registry like dot Asia wants to offer something above the floor of what's being mandated by ICANN they certainly can offer greater protection and use that technology to deliver it. That's it.

Ching Chiao: Thank you. Would you like to respond? Okay.

Man: That's actually an absolutely sort of vital issue that does involve - that's sometimes in ASCII as well. But what we're talking about is slightly different. We're talking about a character that does exactly the same. I know the zeros and the Os may be a good example for that. But the issue we're trying to tackle is actually an (allegis) but different.

Man: Thanks, (unintelligible).

Man: Yes, what I just to add whether it's a policy or implementation, honestly I'm not sure. I think they're smaller issues -- not as important issues -- that were treated as policy and other issues that I've seen recently, and I don't really like being treated as implementation. So I don't know what is policy and what is implementation in this case.

But anyway, it doesn't end in the TNCH. I think that - this why I think it's some kind of a policy because it - we need someone to decide. It can be the GNSO. It can be the board or anyone, okay. Someone needs to decide and say if you register an IDN name with an O, the bundle or the variants of that name and the second level should be bundled, not to have NeuStar decide to do it.

It's great NeuStar did that. Okay, I'm not saying it's a bad thing. It's great. But we should make sure that it happens in OO where we have 150 something 160 other registries. So that's what I'm saying. Whether you regardless of implementation or a policy, something needs to happen.

Ching Chiao: Alan.

Alan Greenberg: Thank you. Just a quick comment and it's not dissimilar from the last one in response to Jonathan before whether this is implementation or policy. I think

we're getting caught up in words. The trademark clearinghouse is implemented with a whole large set of rules. Some of them came out of the STI effort. Some of them were made up as implementation, because they have to follow a lot of rules.

What we're talking about here as policy as a lower case policy. It's not a GNSO policy. But it's someone has to set the rules and the someone is ICANN. And we haven't. Now, the English language term policy fits. Maybe we need to adopt a new one of rule set or something so we don't get into the bind of it being a policy that has to go through a certain process. But right now we're missing rule sets that are relevant in the IDN world and in a number of other worlds.

Ching Chiao: Thank you. So Edmon are you on...

Edmon Chung: On this topic. Specifically on this topic.

Ching Chiao: Great.

Edmon Chung: So I think Jonathan raises a good point, but I - you know, Alan maybe stole part of my approach. And I think, you know, I'll use policy implementation to make the distinguishing or rule set. In terms of GNSO policy we already have polices for, you know, like (Rom chair) the IDN working group that achieves strong agreement on implementing IDN variants at the TLD and also has strong agreement on actually 4.1 to 4.1.5. I'm reading from it.

So clear indication that IDN variants could be - one application could have multiple strings. That is the policy. That's already in place. So we're talking about implementation in terms of the IDN variant delegation and those kinds of things.

There is also limit variant confusion and collision on the second level registration. So it does - the policy is pretty -- at least in my mind -- clear. Now

is really about the - this policy how it translates into implementation including fees including, you know, how it's actually implemented into the various areas.

But I'd like to end with coming back to my question because one of the critical thing on both the, you know, multiple strings one gTLD and also limit variant confusion collision the user experience report makes a particular recommendation that I just need to clarification that is not in conflict with the user experience that CDNS provided in terms of the dot China launch and the preferred variant approach.

I just - I'm a little bit worried that it is in compliant with that. But I'm sure it isn't, so I just want a clarification on that. And then, you know, we go back to how we implement this. Because in terms of GNSO policy I - at least in my point of view it's there. We've spent a lot of time in the IDN working group talking about this issue, and it's details of the rule set are not there. But the policy I believe is there.

Ching Chiao: Thanks Edmon for the clarification. Jonathan you have a...

Jonathan Robinson: I'm with you Edmond, and I think Allen expressed it very eloquently. So my concern was that this would get boosted up and say we have inadequate policy and therefore we needed a more policy work. That was why I was attempting to draw that line, because Han and others had been referring to this as policy. And I just wanted to make sure that it was sitting firmly in the area of the use case execution within the realms of what we need to be doing.

Ching Chiao: Yes, but it is my interpretation for Han's - what she's trying to inform or advise is actually those rule sets within those implementations.

Jonathan Robinson: Yes, an overall rule sets are required which is perfectly in English terms is perfectly correct in describing the policy as Alan says. I was just worried that

it would get it would be an excuse to not resolve it. And so that's - I'm with you on that.

And I'm - and J. Scott's point is good that the existing implementation of, for example variants like - I think you used the example of M&M. Those - that's capacity to deal with those what I think deal with simplified versus traditional, for example, quite readily if they are in essence representations of the same mark.

Ching Chiao: We're going to start with Jeff and perhaps to go back on the - oh, sorry. Jeff - which one goes first? Jeff.

Jeff Neuman: Well we're now fortunate to have all of the IDN initial evaluations out. Well most - I think there's a few that still are in initial evaluation. And I don't know to what extent we can do this, but it would be interesting to collect a study in the aggregate of how the different registries proposed handling it. Because that was a very specific question in there.

And I would suspect that most of the registries have probably -- although this is just a guess -- proposed something very similar I would think or hope since there have been other registries that launched IDNs, and we've all, you know, between NeuStar affiliates they've all launched IDNs in the past at the second level.

But I don't know to what extent we can get that information at least in the aggregate of what the different registries have proposed, and then to see if we do actually have a problem. I mean it may turn out that everybody's proposed the same thing and we have a de facto policy there, because everyone's planning on doing it the same way. Or it could turn out that we have 15 different registry operators that have proposed 15 different ways. So we're presupposing a problem that may or may not exist, but we do have the data if we can access it.

Ching Chiao: Jeff actually I'd like to respond on that quickly is that if it's absolutely the right way to think of that, but sometimes you throw a question to, for example, people with commercial interest the data you'd be collecting may or may not - I mean -- represent truly the what I - how can I put this - the best practice or for the best interest for the - I mean for the registrar or the user simply because - I mean it is my interpretation and my understanding in this subject is that it's pretty a registry or the TLD applicant driven type of sub - I mean subject.

So from time to time we need to learn from, you know, the quote unquote community experiences. I mean otherwise when you throw this question out to a number of applicants here I'm pretty much sure that they will tell you, "hey just get us the string that's it. And we'll just walk away."

Jeff Neuman: Well I understand. I'm just saying we have the data now. And we can spend hours and days and weeks and months hypothesizing how people could have proposed doing it when the data's there.

I don't know if we're allowed to access it or how we would do that. But the data is there. It's all there.

Ching Chiao: Actually that was incorporated in - some part of the data was actually incorporated in the user experience report. So okay, then Milton then.

Milton Mueller: I've just got kind of a closing comment on the - I think one of the assumptions that needs to be questioned that permeates a lot of this discussion is the idea that any and all problems associated with trademark infringement through domain names can be engineered out of existence by adopting a particular policy with respect to variants.

And I just want to say number one that's false. There will be problems. And it's odd that there's so many lawyers in the room don't believe in legal processes as being sufficient or even our own DRP. I was struck by what Han

said that, you know, if somebody in Hong Kong submitted a variant version of the same trademark it would have never have been trademarked. That was not a technical process. That was somebody looking at it and saying that's confusingly similar, and there would be legal remedies. There would be EDRP remedies under that.

And so the idea that we're somehow going to define an algorithm or a technical mechanism that's going to stop every form of trademark infringement, I think that's not true. I don't think that's desirable. I think that is too constraining and there're all kinds of ways of ex-post fixing these problems that we have to pay attention to. It's - none of them are all going to be stopped ex-ante.

And I've learned from studying regulation for 30 years that when you try to anticipate every possible problem that could ever occur and then try to stop it from happening ex ante, you usually end up with stippling forms of regulation. And indeed the most sure way to make sure that no trademark infringement problems ever happen in the domain name system is to of course have any domain names. So I'll leave you with that thought.

Ching Chiao: Thank you. I'd like to stop here for this particular topic. The takeaway that I have is surprisingly that we were designed - I mean we designed this particular discussion - it was aiming for to kind of initiate a discussion on the contractual issue for the variant delegation, but it - we have a kind of a - I mean based on the discussion we kind of derived a kind of an emerging topic which is another implementation issues on the trademarking house, which we all know that it's been discussed.

But I think maybe it's a good way to continue to do this with several members here in the community to continue to address this issue. Potentially I would suggest that we have a TNCH specific session next week. We should go there and get our voices heard.

But for - let me stop by saying that for the timeline issues on in particular Edmon emphasized on the variant delegation, I think this meeting it is left unresolved. I spoke to a number of people individually. They really hope to see kind of a - I mean kind of an expeditious way of a resolution for the variant TLD delegation.

So let me stop here, and let us stop on this topic and move onto the next one, which is the IRD. I'd like maybe (Steve) or Francisco - (Steve) to have an update.

Steve Sheng: Thank you Ching. We have some slides here. So Julie and I will provide a quick update on the final issues report on translation and transliteration of contact information. And then we'll open up for discussion.

So this is a quick one slide summary of what this issue about. It's about, you know, addressing several issues associated with translation and transliteration of the contact information. This was a GNSO council motion on the 17th of October.

So a bit of background, this issue comes out of the GNSO and (ASAC) IRD working group where the working group, you know, defines a set of standards on what data elements to be internationalized and how they are the standards. And the working group could not reach consensus on this issue and - because, you know, there's various policy issues associated. And I recommend the issues report. Also the staff produced the preliminary issues report.

I will take it to public comment and we send the final issue report to the GNSO council. In the report the staff recommend initiating the PDP but defer the work until the gTLD directory service extra working group complete its work.

In the meantime, not to cause further delay to initiate a study on the commercial feasibility of translation and transliteration systems for contact mains, organizations, and postal addresses. So here's an example of what we're talking here since we're meeting in China.

So on the - so here we have three columns here. On the left column we have the organization and the address in Chinese. And this is a recommendation of the IRD working group that these addresses can and should be localized. That means registrants should be able to submit these localized address.

Then the question is should there be translation or transliteration of that same information in Whois. So as you can see I show two examples ((Foreign Language Spoken 0:59:43)) can be translated as the China Internet Network Information Center. And the transliteration which is really a transcription for the Chinese script is ((Foreign Language Spoken 0:59:58)).

So they are very similar for address. Obviously there are a set of policy issues here, you know. One is, you know, what the utility of doing this, whether, you know, this - there's the feasibility issue and who will do this right as, you know, registrant, is it registrar, is it registries -- all of those policy related issues that the working group, you know - the issues report touches upon.

The rationale for initiating the PDP but wait for the detailed directory service as the extra working group completes is because there are so many activities on Whois, and we don't want these activities to be on colliding course and have you know ad hoc solutions where, you know, the overall issue is being rethink. So that's our recommendation.

The - when staff in the final issue report to the council we also proposed a motion that is roughly you know what we describe initiate a PDP but wait for the next step. For example the formation of drafting team until the extra working group completes its work. Requests to staff to provide an update at

the end of May with regard to the status of the extra working group so we can determine the next steps, commence the study you know on the commercial feasibility of translation or transliteration systems, so that, you know, those studies and fact finding can be done earlier. And so when we all the information together to deliberate that this policy we should. So that's a quick update on this issue. Back to you Ching.

Ching Chiao: Thank you (Steve). I have a quick comment and also the thoughts on this. Thanks for the final report, and I myself I have no problems to have this motion. But we haven't been able to make a timely decision I mean within our stakeholder groups or others simply because I have sent around a question indicating that this motion is asking the council to initiate a PDP and then we will just start the process of waiting for the outcome for the EWG -- the extra working group.

So as mentioned again I have no problem to initiate a PDP and start to ask to staff and also others to start work on those important items. But I myself am having a little bit of trouble on having a PDP and then we start to wait. And potentially as the staff has mentioned that we could - we would have to wait for few months or maybe longer.

So I guess we receive the report but I think we have - we will need to have to - need some work around solutions and some wisdom in other to deal with that type of - I mean the situation here I guess so..

Woman: Yes, just one comment. Given the discussion the council had earlier today that the expert working group recommendation would be an input into our own consideration on a number of issues. I'm not sure why we would want to wait for that working group to (unintelligible) its recommendation because they could at any point be taking into account should they be available in the relevant time frame. So that's it -- my comment there.

Ching Chiao: Edmon.

Edmon Chung: Thank you Ching. Edmon here. So two questions actually -- one on - I bringing us back to the variant discussion. Because the IRD spent a little bit of time deliberating on the issue of IDN variance and how that would or should show up in the IRD. So I was wondering - I didn't see a lot of or any study on that in the issues report whether that's planned or not. Where are we going?

And the second part of the question is more eminent. Because we also talked about the IANA -- which is the root database Whois -- and with the new IDN gTLD come into play how do you envision, you know, IRD playing a role in that aspect and including IDN variants as well? Because the current implementation for IDN ccTLDs not only is it somewhat ad hoc it's also less than desirable as I understand so...

Ching Chiao: Thank you Edmon. Your turn.

Nick Wood: Yes, just a question for (Steve). You mentioned the exploration of the commercial feasibility of the translation transliteration system, and I wonder what you mean by commercial. Do you mean the system would be a profit making enterprise, or do mean - are you talking more about economic feasibility or the cost of implanting it?

Steve Sheng: Nick I think you're correct. I think it's more about the economic feasibility and the cost. Obviously, you know, implementing does has a cost. And as a policy issue there needs to be a way that gains the benefit it provides.
(Unintelligible).

So regarding your question of variants, it is not explore in this issues report. In the IRD final issues report we there are some text on the expected behavior and requirements for variants. Those I think in the IATF there's a working group working on the next generation registration data protocol.

And those kind of recommendations has been communicated to them. And so they are aware and working on it so that at least there will be solutions. So that - don't know whether that answers your question. I forgot your second question, sorry.

Nick Wood: The second question is ion the IANA Whois -- which is the root database -- are our we expecting the same treatment as in the IDN ccTLD fast track, or how is that implantation going with that?

Steve Sheng: So with respect to the IANA Whois - I think IANA Whois I think two years ago that include a couple of new features, for example to allow the display of new label alongside of a labels.

As you mentioned earlier I think it's - right now I think it's - there's obvious needs for improvement. I think all these requirements and once - I think once the appropriate policy work is completed and those will be necessary to update the systems. Thanks.

Ching Chiao: Thank you (Steve). Oh, Edmon.

Edmon Chung: Sorry to delay the point. So are we expecting that to be similar to the IDN ccTLD fast track as the eminent implementation? Because we are implementing IDN TLDs very soon, like in the next few months right? And we won't have all the policies and stuff in place, so the new technologies in place yet. So I'm guessing it is. I just want a clarification on that.

And actually on Milton's point one of the things I did want to raise again, in the original IRD we not only talked about translation and transliteration in this form, we also talked a little bit about a possible ASCII compatible representation that doesn't necessarily, you know, - is not necessarily a transliteration. It could be a - I don't know like a Unicode point string of the original - the address for example.

Rather than translation or transliteration there's also a type of Romanization or ASCIIization. Sorry I don't know how to create that word. But an ASCII representation way so that, you know, certain processes can take place like there are engines that compare - like law enforcement use it regularly to compare Whois data, you know, with IRD it could become more challenging. But with an ASCII compatible representation that would - that could resolve some of the issues.

So instead of just translation transliteration shouldn't we also explore the commercial feasibility of just an ASCII representation? Which I believe would be cheaper, but you know I just - that being one of the part of the study as well.

So the first one is are we expecting the IDN ccTLD fast track type of implementation for the IDA Whois. And then the second part -- the ASCII compatible representation.

Man: So the - your second question about what is translation or transliteration or there's a third category. I - sorry I actually don't recall that. So if you could, you know, send me an email on what those are that'll be good.

I do know that for example in some of the TLDs today they operate instead of displaying for example the localized character they display the Unicode code points. You know, which is in a way ASCII, but you know from an end users perspective you know give me your set of Unicode code point it's not going to be very useful. So - but I suspect that's not what you meant. So I'd like to learn more about that.

Regarding your first question I think, you know, the applicant guidebook specifies what is required in terms of requirement obligations for Whois. And as you said many of these IRD issues is in the process of being you know ironed out. And it's not ready. It's not there yet. So in absence of new policy

guidance the recommendation is to state what the guidebook requires.

Thanks.

Ching Chiao: Thank you (Steve). I think we should for the time think we should close this session. And I will recommend that - I mean the councilors here and also for the stakeholder groups take this IRD issue back to your own stakeholder groups and have a discussion on so whatever Monday or Tuesday and potentially at the wrap-up session for the GNSO we should try to figure out a way forward. So thank you. Back to you Jonathan.

Jonathan Robinson: Thank you very much Ching and (Steve) and the other colleagues that have left. I know it's pretty informative session that's certainly left us recognizing that there's a number of open issues.

I did see that there were - I don't know if you noticed there were some board members present who were listening particularly to the bulk of this session and keeping an eye on it. So it obviously has the attention at the right level from us here and board members and others in the room. But it strikes me that there's a lot to do still which is clearly on your mind.

We need to change gear now and focus on some important meetings tomorrow. So maybe let's just stop the recording from the previous session -- take a moment. But I think we need to get back on the case pretty quickly.

You might want to stand up and stretch. Do whatever you need to do. But we really need get straight on. I feel apprehensive that we've got some pretty important meetings tomorrow that we need to prepare for. Thanks.

END