
MARRAKECH – ccNSO CCWG EPSRP
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GIOVANNI SEPPIA: ccNSO Working Group on the Extended Process Similarity Review Panel (EPSRP) Guidelines Review. We are meeting here after a call which we had not so long ago, and we have done some work since the working group was established in the last quarter of 2015.

The purpose of this working group is to review the guidelines of the Extended Process Similarity Review Panel for the IDN ccTLD Fast Track Process. The purpose of this working group was to review the guidelines in light of the resolution that the ICANN Board took at the end of the Buenos Aires meeting in June 2015. The resolution was empowering the ccNSO together with the other organizations and constituencies to set up a working group to review those guidelines to make sure that the people in this panel, this linguist experts, are given some sort of direction how to manage certain situations when some, let's say requested extensions, they are found to be confusingly similar with the other ISO 3166 quotes when they are written in capital letters but not when they're written in lowercase letters.

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It's quite a complex area, I must say. That probably explains the huge crowd we have today in this room because it's showing massive interest. I believe the people who are here, the brave people who have accepted to be in this working group and try to find the solution to help this panel in interpreting correctly and coming up with a final decision for sort of [inaudible] cases.

Just to recap the work that has been done so far, we have established this working group, as I said, in the last quarter of 2015. The working group has a charter, which has been approved. The working group has started to review the guidelines. There were already some findings, and the findings were relating to some inconsistencies between the guidelines in the IDN Fast Track Implementation Plan, which is hierarchically the document that is above the guidelines. Some members of the working group agreed that there is also some sort of inconsistency between the way string similarity is assessed in the ccTLD IDN environment and the way it is assessed in the gTLD environment.

Also, some members of the panel, they highlighted the importance of sticking to the ICANN Board resolution, which I would like to read so that we are all on the same page. The resolution of June 2015 says that the ICANN Board of Directors requested the ccNSO in consultation with other stakeholders,

including the GAC and SSAC to provide further guidance and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process, as well as to inform the proposed policy for the selection of the IDN ccTLD strings.

This is the resolution of the Board, and I believe there was an agreement among the working group members that as we have found other elements that are worth to bring to the attention both of the Council and eventually of the Board that we limit our work to amend the guidelines and then everything that is not falling into the guidelines amendment should be eventually sent as a sort of recommendation for future work. But at this stage, we just work on the amendment of the guidelines.

Having said that, I would like to have a quick tour de table so that we are all recorded, the participants. Then we may start an open discussion regarding the way forward after what we have done and after what has been circulated on the EPSRP mailing list. I would like to start from Manal.

MANAL ISMAIL:

Manal Ismail, Egypt GAC representative and has been involved in the IDN Fast Track. Thank you.

UNIDENTIFIED FEMALE: [inaudible] Tunisia.

HIRO HOTTA: My name is Hiro Hotta for .jp ccTLD.

SARMAD HUSSAIN: Sarmad Hussain with the IDN program at ICANN.

UNIDENTIFIED MALE: [inaudible] I'm just listening in.

GIOVANNI SEPPIA: Giovanni Seppia of eurid.eu, and I'm the Chairman of this working group.

EMILY TAYLOR: Emily Taylor. I'm a consultant, and I've been helping out on this, too.

BART BOSWINKEL: Bart Boswinkel, ccNSO secretariat.

GIOVANNI SEPPIA: Thank you again, everybody. Again, it's an extremely technical and also extremely procedural matter which we are discussing today. I'd like to open the discussion and listen to your views on the first point, which is, do we all agree that we should leave considerations that are in between the Implementation Plan and those guidelines aside so we may put forward some recommendations to the ccNSO Council to the Board?

But at present, our work is focusing on amending the guidelines. So certain considerations like is this panel the final panel, so there is no Fast Track [inaudible] panel, or we all acknowledge that there is an inconsistency between the string similarity review in the ccTLD space and the gTLD space? All this stays aside and then we focus on the guidelines. Hiro.

HIRO HOTTA: May I understand that you are saying that the panel is just looking at the string similarity, string visual similarity? Is it correct?

GIOVANNI SEPPIA: Yeah, that is correct. The guidelines are quite clear with respect to that point. The same time, the guidelines may need some sort of extra clarification for other points, but it's true that the panel is looking at the visual similarity – this is the mandate of the

panel – looking at the visual similarity without looking at the context. Because this was one of the points that were raised, but again, there was also one point that was discussed on the mailing list. I believe there was a sort of agreement, also, that we stick to the current way the guidelines have been implemented and we aim to have them clarified.

Please.

HIRO HOTTA: Then I agree to the framework of our work. Thank you.

GIOVANNI SEPPIA: Manal.

MANAL ISMAIL: Thanks, Giovanni. I also agree to the way you describe our scope of work, but I believe we should also document our assumptions or provide our recommendations what exactly should be looked at elsewhere or should be considered. Thank you.

GIOVANNI SEPPIA: Thank you, Manal. Thank you. [inaudible], would you like to say?

UNIDENTIFIED FEMALE: I generally agree with what you say.

GIOVANNI SEPPIA: Thank you. I don't know if you have time. I'm looking at brave working group members to go through the latest session which, if I remember correctly, was sent around the 20th of February, something like that, of the guidelines. If you have any comment on this version of the guidelines. Most of the edits and changes, they are relating to the guidance for interpretation of the criteria for confusing similarity section of the guidelines, especially the application of the criteria for confusing similarity. I would like to hear your views against the text that has been slightly refined in the guidelines.

We can read it together if that makes things easier. Manal, you wanted –

MANAL ISMAIL: No, no. I just was going to confess that I didn't have the time.

GIOVANNI SEPPIA: We're all busy.

MANAL ISMAIL: Everyone was silent.

GIOVANNI SEPPIA: We're all busy, and I'm the first one to acknowledge that. It's not really a bad time reading and not even for later reading.

MANAL ISMAIL: If we have the time and can go one by one.

GIOVANNI SEPPIA: I don't think you want to read these on a plane. You never know what happens. This could be your last reading. There are better readings for the plane. Honestly, this is what I said to myself when I was reading this on a plane. I said, "Now, Giovanni, stop doing that because you never know."

I'm reading. This is on page two. On page two, I'm reading this clean version. Guidance for interpretation of the criteria for confusing similarity. This is the section. Yeah?

UNIDENTIFIED FEMALE: [inaudible] that you might want to ...

GIOVANNI SEPPIA: Okay. I'll address it later. You have the document? I circulated it.

UNIDENTIFIED FEMALE: [inaudible]

GIOVANNI SEPPIA: Sorry?

UNIDENTIFIED FEMALE: [inaudible]

GIOVANNI SEPPIA: Can you use the mic? Do you mind? You have it to resend it?

UNIDENTIFIED MALE: I'm working on it, trying to [inaudible]

GIOVANNI SEPPIA: Okay. Thank you.

UNIDENTIFIED MALE: You want a clean version of it?

GIOVANNI SEPPIA: I would suggest the clean version.

UNIDENTIFIED MALE: Because I think [inaudible]

GIOVANNI SEPPIA: Okay.

UNIDENTIFIED FEMALE: [inaudible]

GIOVANNI SEPPIA: Okay. You have the clean version.

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED MALE: No, you didn't send a clean version.

GIOVANNIA SEPPIA: That's strange.

UNIDENTIFIED MALE: That's your e-mail from the 22nd?

GIOVANNI SEPPIA: Yeah.

UNIDENTIFIED MALE: If it's your e-mail from the 22nd, it included only one, and that was the red line.

GIOVANNI SEPPIA: Okay. That's strange.

UNIDENTIFIED MALE: You have some comments in the side lines, so I don't know. I can clean it up, but these comments will not go, so it's going to be very [inaudible].

GIOVANNI SEPPIA: Let's do the one with the track changes.

UNIDENTIFIED MALE: Yeah. Let me see if I can upload it. Could you make me a host of this one, of the Adobe Room? Just bear with me for a few seconds. This takes a while. Nothing happening. Here we go.

[Kim], if I would send it to you, could you upload it? Yeah, that's the end of the document. I need you to log in again. Just a minute. You can buy a cup of coffee or something in the meantime. Here we go. That should be the one. I clicked myself out of the Adobe Room. That's the issue.

Maybe, as this is going, on not the last call but the call before, I was tasked to look at codes within the ISO 3166 with special status. In the meantime, I've contacted Jaap Akkerhuis in his capacity as member of the Maintenance Agency, and he sent me an overview. Although there are different codes was specially assigned, it is not definite in the sense of, for example, there is a reserve list which includes the codes which have been taken away. They are reserved for 50 years, but still there is a caveat in the rules of the MA that they can be assigned intermediately.

What I'll do is I'll send you the e-mail of what I've received from Jaap with the rules from the ISO 3166 MA. You can have a look because that was a potential track to limit the set of confusing similarity. Although that's a bit out of scope, but maybe it goes back to what you just discussed on not the guidelines itself, but the scope of confusing similarity stuff. It's the response to that task. In the meantime, I'm [inaudible] I want to stop sharing and go for another document. This should be good. Here we are. Maybe I can increase the size a bit.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED MALE: Here I am.

UNIDENTIFIED MALE: Our hero. Can we go on page two? Page one is quite –

GIOVANNI SEPPIA: Can we go to page two because page one was almost clean? I'd like to read together this part. "[We] said the overarching principle is to preserve and ensure the security, stability, and interruptibility of the DNS. The EPSRP role is to seek to prevent systemic user confusion arising from the applied-for string."

Then there was this proposed addition that says, "As the final stage of the IDN ccTLD Fast Track process, the EPSRP should take into consideration all factors and documentation relating to the application before submitting its final decision." If we stick to the visual similarity, I think that has to go because we should stick to the original text.

Manal, please.

MANAL ISMAIL: Yes, I fully agree. If the scope of this work is going to be the visual similarity only, as we agreed, then this text has to go. But again, I believe that this has to be within the final steps, whether it is the ES whatever the acronym is, or at the higher level. The very final

decisions should take into consideration all other factors other than only the visual similarity, if you see what I mean.

UNIDENTIFIED MALE: Yes.

MANAL ISMAIL: Okay. Thank you.

GIOVANNI SEPPIA: Thank you, Manal. Absolutely.

The following paragraph I'm reading: "In any environment, criminal activity or unfair competition may occur." Then there was this text saying, "The relevant question for the EPSRP is whether it is necessary to prevent the applied-for string from delegation in order to avoid potential harm to users, or whether intervention at the level of individual domain names, for example, by individual policies as envisioned in the implement plan would be effective."

Do you have any opinion, any view, on this? Hiro.

HIRO HOTTA: Yes, as I wrote in my mail, I couldn't understand the intervention at the level of individual domain names. Is the second-level domain names?

GIOVANNI SEPPIA: Emily.

EMILY TAYLOR: I can try to help out on that. I think that that's the intent of the draft language, yes, is to say we should try to be intervening at the least wide level possible. If you could see that certain strings at the second level might cause confusion, then you can put into place policies like, for example, single alphabet policies or homoglyph bundling policies or so on and so forth, in order to try to mitigate the possibility of confusion at the level of the second level domains and above. If you could do that, then it doesn't mean that the whole TLD needs to be affected.

Do you see what I mean? It's to try to get a hierarchy of where you would make interventions. I can see that everyone's puzzled on that.

SARMAD HUSSAIN: Then are we again not going beyond the string similarity scope which we were discussing in the previous paragraph?

EMILY TAYLOR:

It may well be. I think that the source of this is really to try to fold in better language in the Implementation Plan. I think it's at the 5.6.3 level, which talks about ... It's the famous wording that was, "If it's the same registry, if it's got various rules," and that that was clearly the intent of the community at that stage, whenever it was, several years ago, to have that floating around as part of the thinking when viewing it. So yes, I think it could well be wider than pure visual similarity, but equally it is reflecting wording within the Implementation Plan.

BART BOSWINKEL:

May I try to translate what you are saying? Say one of the things, going back to the example you've used, is that was the case where initially the first panel found there was string similarity, but only with a string-related or designating the same country, assigned to the same country. In that circumstance, there were mitigating practice that the string could still be allowed because if the registry of the two entities would be the same and it would stay the same, then the issue of string similarity is very limited. It's only confusingly similar with itself.

That was the example that was introduced as a result of the overall policy, and then included in the Implementation Plan. The direction of travel you're taking right now is saying, "Okay,

there may be string confusion. It is established in this case, but there are mitigating circumstances, even under these conditions where there is, for example, only string similarity in capital letters. If the applicant takes mitigating measures like allowing only certain strings or disallowing confusing similarity, similar characters at the second level, then that would be a case that would mitigate the risk around security, etc. and therefore should be allowed.” That’s the direction of travel.

EMILY TAYLOR:

That’s what I’m attempting to say, Bart. Thank you. I think that it’s really trying to get up to this overarching principle is, what are we here for? We’re here looking at visual similarity in order to avoid confusion. We’ve identified that in this case, confusion could occur, but because of the situation you’ve described, which is set out in the Implementation Plan where it is effectively the same body or there might be some rules in place, then we look at those.

It might well be that this paragraph could be clearer if we simply refer to the Implementation Plan in that. That’s all it’s intending to do. It’s saying to the EPSRP, “Remember that this is the Implementation Plan.”

BART BOSWINKEL: Just going down that path, this is where it becomes mixed. In the case of where there is two strings where you have similar confusability with itself, the first step – and that's the only role of the EPSRP – is to identify whether or not there is string similarity. One of the reasons why the panel needs to identify with which strings there is confusing similarity is to ensure that if in the case it's similarly confused with itself, then you go into that direction of path.

What you say, if I understand it, first you need to identify if there is string similarity, but in the case the applicant either contacts you or whatever way, but at least will implement certain measures, then still, based on the policy, it should be allowed. Because in order to take that step to go to the mitigating practice, you still need to identify whether there is string similarity or not. That's the only role of the EPSRP, so in a way, you're stepping out of bounds of what you've just discussed. That was Hiro's question, but again, it could be an additional recommendation. Please consider this either through the ccNSO council or change the policy or whatever.

EMILY TAYLOR: I think this is coming back to Manal's point. If it's not the EPSRP – and it doesn't have to be because the EPSRP could be just going robotically, “Yes, no, yes, no,” and then they present that

finding. Who then looks at the mitigating factors and the other things in the Implementation Plan at the moment? How is that brought in?

BART BOSWINKEL:

Effectively, that is, again, robotic as well. The only thing you can say, and that's going to be on the implementation side: "We've identified there is string similarity. The applicant is willing and commits to implement mitigating measures," these mitigating measures need to be defined in these cases. If that's the case, then it's almost robotic that the next phase would be that ICANN staff, who's responsible, just documents it and then goes back to say, "You met the criteria."

It's a bit like what's happening right now with the case you just said. If there is confusingly similarity with itself, then there is a commitment of the registry that it will never be taken apart. You move into a similar kind of situation. That's an ICANN staff responsibility as far as I can tell.

GIOVANNI SEPPIA:

I have Manal and then Hiro.

MANAL ISMAIL: Actually, I was going to say like Emily said that this fits with what we've said before. But again, I do understand what Bart said, but I don't understand where is it going to happen. I have to say that the most challenging thing is the name, the acronym of the group. If the scope is just [inaudible] and it's going to be come up with a binary decision whether there is visual similarity or not, but then other factors like if they are going to be delegated to the same registry, if the registry commits to some bundling or some mitigation, who looks at the overall and takes then the right decision?

BART BOSWINKEL: Maybe it's a good thing and may make it visual how the process is really run. I can describe it, but I'll do it in my clumsy way. You've got the application. It goes through the set of tests. Sarmad, please correct me if I'm wrong because I'm not really involved [anymore]. It goes through a set of steps, and then at one point there is the first string similarity test. That's done by the technical committee. That first test comes back with either it considers the string to be confusingly similar or it doesn't.

If it comes back with its assessment there is string similarity, then the applicant can go to the second panel for this test. That was the result of the overall policy and the experience, etc. In that sense, it's a second test based on a different methodology.

Again, this panel comes back with its findings whether the string is considered to be confusingly similar or not.

Then that consideration goes back into the process, and then it's handled further. If it's considered confusingly similar on all accounts, then that's the end of it. That's the end of the application process. That's the way it's currently written within the Implementation Plan, and the result, for example, of the overall policy, but also of the Fast Track process, as was designed by the community.

UNIDENTIFIED FEMALE: I'm sorry. Just a very last question on the same part again. The decision of the second panel, it's final and announced, or does it go elsewhere?

BART BOSWINKEL: That one is made public and the report is made public at the time at the request of the ccNSO and the GAC, but in that sense, it's final. Yes.

UNIDENTIFIED FEMALE: If this is the case, then this is where, again, we should be looking into all other factors so the final decision is not just restricted to visual similarity.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED MALE: Yes, that would be then going back to the Fast Track process and updating the process. That's a higher level document because EPSRP itself, the way it was defined was purely a string similarity review and not a broader review.

EMILY TAYLOR: Just a point to clarify, really. Let's leave aside any suggested changes, but in the format that has been, at what point do these other factors get taken into account? You say that's from the staff point of view. Because if there's a failure, then that's the end of the process.

BART BOSWINKEL: This goes back to the way it's designed, if you would look into the Implementation Plan itself. The way it was set up is you go through the steps. Then there is this conclusion by the EPSRP, or it could be somebody else – it doesn't matter – or the first panel.

Then the Implementation Plan describes the situation, what you just mentioned and what I mentioned, as well. In case the string

is only confusingly similar with the two [inaudible] codes of the same country, then this measure will take place. That's defined in the Implementation Plan, so therefore staff executes it.

You need to first establish whether there is string similarity. Then only a subset of cases where there is string similarity, there is a way forward. If there is no way forward, then the process stops. It's a bit like a decision tree. I can draft it, but –

EMILY TAYLOR:

That's really helpful. I guess it involves staff in a substantive evaluation about looking at particular rules and policies and whether or not they're adequate. Does it, or not?

BART BOSWINKEL:

No, it doesn't. It states a set of cases. That's the only thing. These are defined externally. That's why there is a necessity to identify the strings with which an applied-for string is similar.

UNIDENTIFIED MALE:

[inaudible]

UNIDENTIFIED MALE:

Thank you. So staff is just executing the process. There is no judgment involved from staff in that sense. It is using input from the evaluation panels and just executing the steps.

GIOVANNI SEPPIA:

Just for the sake of clarity because I've been involved in this with Hiro since earlier, so we are now celebrating almost eight years in this. According to the Implementation Plan, the extra rule regarding possibly considering similarity with a string in ASCII was inserted in one of the various situations of the Implementation Plan review process.

In that respect, if the DNS stability panel, which is an essential component of the assessment of the IDN string when the IDN string is submitted. There is an administrative evaluation, and there is also a technical – let's call it like that – evaluation. This technical evaluation, if in that moment out of the DNS stability panel, the conclusion is that the string is identical to the ASCII string of the applicant, in that case, there is the rule that was inserted in the process – I think it was 2010. No, I think it was later. I think it was later than 2010. It was 2012 when it was the first big change in the Implementation Plan that says that in that moment, the ICANN staff can request the applicant submit a series of policies to make sure that they are enforced.

In that case, the ICANN staff is not only looking at the process but is also making sure that the applicant fulfills a series of criteria to mitigate possible issues. This is for the sake of completeness of information.

UNIDENTIFIED MALE: Yes, in that particular case.

GIOVANNI SEPPIA: Manal.

MANAL ISMAIL: I'm sorry again to keep coming back to the same point. Maybe my question now is are those other factors other than the visual similarity, in the current process, are those taken care of at the first panel or they are not taken care of or not considered?

UNIDENTIFIED MALE: The first panel looks at the string itself and not policy or any extra information that you submitted, including the IDN tables. They don't look at that.

MANAL ISMAIL: So as far as I understand now, the first panel looks strictly into visual similarity and then again the second panel will be looking strictly into –

GIOVANNI SEPPIA: The first panel, the DNS stability panel, we don't [inaudible] to the people who are in this panel has no competence in visual

similarity. They are just looking at the visual similarity like any one of us can look at the string similarity. The people who are looking at this panel, they are not linguist expert.

The reason why the second panel, the EPSRP – and honestly, I wrote it on my hand before learning so well – the way how the EPSRP, they look is also visual similarity. But with the scientific technical eye because those are supposed to be linguist expert and they are selected by ICANN from a group of linguist experts. So while the first one assesses on string similarity with a non-expert view, the second one should bring into the plan the expert eye, let's say.

Yes.

MANAL ISMAIL:

So probably now we are saying that there are factors other than visual similarity that matters in trying to figure out where exactly should those be considered, right?

UNIDENTIFIED MALE:

Bart.

BART BOSWINKEL:

The way I interpreted what Emily was there may be situations where there is whichever panel has identified string similarity,

and that's considered the risk. Whether it's the first panel or the second panel, it doesn't matter effectively. But like when the strings are similar and run by the same registry or the same country, there may be mitigating measures to mitigate the risk around security, etc. In those cases, a similar kind of process should be inserted, as in the case of the string similarity for the two strings that are run by the same entity. I think that's what [inaudible]. It should not be taken into account by either the first or the second panel. It's only when they've identified string similarity. Then there is still the ability to move forward in case you implement these mitigating measures.

MANAL ISMAIL:

So the second panel may say that there is visual similarity, but again, somewhere in the process, those mitigation factors are being considered and still the string can go through? Again –

UNIDENTIFIED MALE:

[inaudible]

EMILY TAYLOR:

I wasn't really suggesting anything, actually. I was just asking where it happened because there are these criteria that seem to be intended to be part of this process. It was just not clear to me. I had imagined that it was the EPSRP. They go through your

decision tree. “Yes, no, yes, no, yes. Now, do any mitigation factors apply? Yes, no.”

I wasn’t really making a proposal. My question was, when do those get taken into account? I think this is where Manal is coming from, as well. And the answer is, staff do it.

BART BOSWINKEL:

These mitigating factors, as we just discussed, not in the case, say in additional cases where the registry is willing to implement measures as you said. As you suggested, they are not taken into account because they’re not part of the whole assessment. The only case, the exception in case a string is considered confusingly similar is when the confusingly similar with itself. Then this happens. All other cases of string confusion, that's the end of the process up until now.

EMILY TAYLOR:

It’s just the, “Then this happens,” bit that I just still don’t understand. “Then this happens.” I don’t understand how it would happen because the output from the EPSRP would look the same, wouldn’t it? It would be fail or yes. The output in both of those scenarios would look the same from the EPSRP. It would be finding a visual similarity. Then it’s just not clear to me

how those bits – the mitigation factors, we’ll call them – get taken into account in what process.

BART BOSWINKEL:

In the application process itself. Let’s try to do it differently. You have the application process. I think that's the first phase. Some of the assessment is by the DNS stability panel. The result of the DNS stability panel is fed back into the application process, and it’s a go, no go. There is a bit no go.

There is the situation where the strings are considered confusingly similar with itself. If the applicant is willing to commit to certain mitigating practice – call it simply like committing to run both strings at the same time so there is no separation – then it goes through in the application process. Does that make it clearer? I’m trying to describe a picture.

UNIDENTIFIED MALE:

Manal.

MANAL ISMAIL:

You currently offered to maybe draw the decision to your ... I think this would be helpful. We can then have things in writing and be able to comment easier, or even understand. That’s it.

GIOVANNI SEPPIA: Yeah, my personal point of view is that would be indeed helpful, but I think, again, the main scope of this working group is to focus on these guidelines. That sort of drawing of Bart will be something to help eventually all the community understand the flow in the process, but I don't think it will help us to improve the guidelines.

This will have a limited help for us because, again, here is a matter of understanding if we like the panel just to look at the visual similarity or if to look at the mitigation after that may be enforced at some point in the flow. To the best of my memory and understanding, this panel, according to the Implementation Plan, has been given the mandate to look at the string similarity and not to assess side elements that may mitigate the string similarity.

Hiro.

HIRO HOTTA: Yes, I understand and I agree with that. First, the panel just looks at the string similarity. It's good. What is the input through the panel? Just the string or the string plus something like the intervention policy or something? Just the string? That's the question.

SARMAD HUSSAIN: Yes, the input is the string, and also the set of strings against which the confusion has to be determined, which includes a particular list of items. For example, existing TLDs, TLDs which are applied for in the process, and the ASCII two-letter codes. Basically input to the panel is a list of strings and applied-for string to make that comparison.

GIOVANNI SEPPIA: Thank you, Sarmad. Emily.

EMILY TAYLOR: This is very helpful. So really, bearing in mind the scope that we all agreed to, would it be better to just delete that entire paragraph, then, and to take it out of contention? And also perhaps to delete the highlighted wording in the previous paragraph because it's at odds with the reality of what they're actually asked to consider, which is simply the string and various lists of TLDs? That would be my suggestion.

GIOVANNI SEPPIA: Yeah. I agree with this suggestion. I just ask, because we were given one hour for this meeting, and I would like to understand if the room is occupied by another meeting after this meeting.

UNIDENTIFIED MALE: [inaudible]

GIOVANNI SEPPIA: No? Okay.

UNIDENTIFIED MALE: Yeah.

UNIDENTIFIED MALE: [inaudible] somebody [inaudible]

GIOVANNI SEPPIA: So we can stay until midnight. Okay, good.

UNIDENTIFIED MALE: [inaudible]

BART BOSWINKEL: More useful to reconvene in two or three weeks. Then we have all these elements again because I sense there is a bit of confusion. Sarmad and I can explain this part of it because there is this sense of, at least from my end, that we're skipping among each other. We take a lot of time to get a clear picture of what we're really doing, literally and figuratively speaking.

UNIDENTIFIED MALE: I agree. If possible, and using the next ten minutes, I would like really to read together page two, which is the one which has this [inaudible]. Thank you. They have this bulk of comments because it's the, let's say more sensitive. At least those of us who are in this room and who happen also to have been among the most proactive members in this working group, we can have our first opinion on the next lines of this page.

We have agreed that we will delete the second part of that upper paragraph. Then if I continue to read, "In applying the criteria for confusingly similarity (paragraph 5.5 of the Implementation Plan), the EPSRP shall ..."

And then it's stated here, "Take into account that, when comparing the string with entries in the two ISO 646 Basic Version, (ISO 646-BV) characters: In the ccTLD environment two-letter country codes which are similar to one another already coexist without apparently causing user confusion." Then there are a couple of examples.

"In the event that confusing similarity is found with a string from the ISO 646 Basic Version (ISO 6460-BV) characters (letters a-z codes), whether or not the other string is likely to become a ccTLD in the foreseeable future." This was proposed text.

Is there any view on this proposed text? Bart.

BART BOSWINKEL: I think [wearing] a bit of the ISO 3166, and that's why I asked Jaap what is and will not be a ccTLD in the foreseeable future. And also [wearing] the [ROC] 1599 is very difficult to determine. You don't know. Nobody knows. Foreseeable future could be one, two, five, ten years' time span.

That's the whole issue because the ISO 3166 assigns the two-letter codes, and there are examples where the assigned two-letter codes were just not very obvious, like .sx for St. Martin and others. That makes it very, very difficult to play around with the ... Based on this text, I asked Jaap about the rules of the MA, as well. I will forward you, as I promised at the start of this meeting. That specifically looks at this text.

GIOVANNI SEPPIA: Okay. Emily, you wanted to say something?

EMILY TAYLOR: I was just recalling one of the comments I think Hiro made in the process was to say, "Why not just look at existing and applied-for strings?" Is that right, Hiro?

UNIDENTIFIED MALE: [inaudible]

EMILY TAYLOR: One of the comments that you had made in the earlier round was to say, “Actually, why look at ...” Having to put into people’s mind, “Will this ever, in the future, in some way that we don’t understand and can’t possibly predict, be a TLD?” Your proposal, if I understood it correctly, was to say, “Avoid that speculation and look at what exactly exists and is applied for.” Is that right?

HIRO HOTTA: Yeah, that's correct. That was my comment.

BART BOSWINKEL: You could do this with new gTLDs but not for ccTLDs because what you do then, you start to interfere with the existing policy for the delegation of ccTLDs. As soon as the ISO 3166 assigns a code to a country or territory, then it’s eligible as a ccTLD. By mitigating this, then you turn that around and in fact start interfering in that policy.

EMILY TAYLOR: That’s really helpful to know. My question is, really, is there any hierarchy? Because there are things that objectively exist or are applied for at the moment and things where you just don’t know what will happen in the future. Should they equal rating? Should they have not equal rating?

BART BOSWINKEL: Before and I think that's what was intended, I think, throughout the process. You can identify the two-letter codes because it's a limited set in principle. The two-letter combination, I think if you do some calculations, there are I think a little bit over 700 combinations possible. That's it. One of the things, and that's what we looked at, is within the ISO 3166, you have different types of assignments of codes. Unfortunately, that's not stable, and there are examples from the past where codes were used and going from one bucket into another and became a ccTLD.

EMILY TAYLOR: So my question is because you do have this limited set, it's sort of trying to get back to what the point of the exercise really is. The point of the exercise is to avoid confusion. You see in the current ccTLD environment that there are two-letter codes that are very similar to each other, and life goes on. You can get into this track where you end up with quite a perverse outcome, and something sounds to be confusingly similar with something that doesn't currently exist in the namespace and might not ever.

BART BOSWINKEL: But put it this way. That's a more fundamental question around confusing similarity. If you have, for example, in these cases .it,

.lv, and .lu, etc., these are existing ccTLDs. The question is, should or should not these been assigned based on confusing similarity? There is clearly confusing similarity. Is there any risk occurring in these spaces?

EMILY TAYLOR: I think it's a different question. The question is actually these coexist already. Why apply to an external body a higher standard of avoiding confusion than it applies to itself?

UNIDENTIFIED MALE: I don't understand.

EMILY TAYLOR: In the ccTLD environment through the ISO process, you get very confusingly similar outcomes. What we're doing is we're avoiding something that the ISO 3166 environment doesn't seem to be that bothered about.

UNIDENTIFIED MALE: But don't forget that confusing similarity in the case ... Say they don't look at it, but these strings are used for all kinds of purposes, not just reading on screens.

GIOVANNI SEPPIA:

I think that I understand that Manal has also to go. I think that there are some sort of macro topics coming up that are also showing the weakness of certain processes and the inconsistency which has been underlined even by Sarmad in one e-mail exchange on this EPSRP mailing list.

What I would suggest in the spirit of drawing this very short working group meeting to a close because otherwise, we end up being two or three people only in the room and in the spirit of having a broader discussion possibly, is that we'll be waiting for Bart to circulate that response he had from Jaap.

Also, we'll try to make some refinements in light of what we just said today regarding the external factors. We will distribute on the mailing list in, let's say, one week, ten days' time, a refined text for the EPSRP guidelines, plus another document where this working group will present some sort of recommendation and a perspective on the certain topics that we have somehow investigated and have found that they cannot be addressed in this document, but should deserve to be brought to the attention of those who are in charge of making the high-level policies. That, again, in the ultimate interest of avoiding end-user confusion, which should be, again, the objective of all these exercises.

Shall we agree to move forward like that? In about ten days, we'll circulate. Bart, during those ten days, as soon as he can, will send out this e-mail that he has received, and then we will work out a refined version of the guidelines, plus a side document where we list all these matters.

Manal.

MANAL ISMAIL: Thank you, Giovanni. I fully agree, and sorry that I have to go, but high-level government meeting is ongoing.

UNIDENTIFIED MALE: [inaudible]

GIOVANNI SEPPIA: Thank you so much for your time.

MANAL ISMAIL: But again, if there is an opportunity that we can continue the discussion sometime during the week, even formally or informally, during any of the lunch break, coffee breaks, or anything, I'm personally available until the end of the week. But I agree to the way forward you suggested. Thank you.

BART BOSWINKEL: Thank you so much. I can send out an e-mail and then check whether there's a room available on Thursday, and who is available to meet again.

GIOVANNI SEPPIA: I'm leaving on Thursday. Eventually, to me, the only chance would be Wednesday.

BART BOSWINKEL: It is possible.

GIOVANNI SEPPIA: ccNSO, yeah.

UNIDENTIFIED FEMALE: Thank you, Giovanni.

GIOVANNI SEPPIA: Thanks [inaudible].

UNIDENTIFIED FEMALE: I agree also [inaudible] and things were confusing today for me and I need to review my understanding.

GIOVANNI SEPPIA: Thank you. Thank you all. Thanks, everybody. This meeting is adjourned. I will make sure that we circulate these documents in a timely manner. Thank you so much. Thank you, everybody.

[END OF TRANSCRIPTION]