
ICANN80 | PF – GNSO: IDN EPDP Working Session
Monday, June 10, 2024 – 13:45 to 15:00 KGL

JOHN EMERY: Hello and welcome to the IDN EPDP membership work session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. I will now hand the floor over to Donna Austin.

DONNA AUSTIN: Thanks very much, John, and welcome everyone back to the IDN EPDP working group. As most of you will know, we've had a bit of a hiatus of about two months while we waited for the public comment process to run its course. And now we can, unfortunately, we are going to have to go through the comments. And there are some substantive comments that we are going to need to do somewhat of a detailed review of some of those comments. As I can't see who's in the room, is it possible to just go around the room and everyone just say hello and who you are?

SATISH BABU: Hi, Donna, this is Satish. My camera doesn't work, so you can't see me, but I'm here.

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

DONNA AUSTIN: Okay. Hi, Satish.

DANIEL GLUCK: Dan from staff.

MANJU CHEN: Manju Chen, council liaison to the working group.

JOHN EMERY: John Emery, staff.

SAEWON LEE: Sarah Lee from staff.

STEVE CHAN: Steve Chan, also staff.

MICHAEL KARAKASH: Michael Karakash, also from staff.

DENNIS TAN TANAKA: Dennis Tan, Registry Stakeholder Group, and with Verisign.

JENNIFER CHUNG: Jennifer Chung, Dot Asia, with the Registry Stakeholder Group rep.

MICHAEL BAULAND: Michael Bauland, with KNIPP, and Droidus Strauss, stakeholder group representative.

UNKNOWN SPEAKER: Eke [ph] from At-Large.

SAEWON LEE: That's the end, Donna.

DONNA AUSTIN: Okay. Thanks. Remotely, Maxim?

MAXIM ALZOBA: Yes, Maxim Alzoba from FAITID, with registries as a representative. Thanks.

DONNA AUSTIN: Thanks, Maxim. And Anil, I see you have your hand up.

ANIL KUMAR JAIN: Yeah. Good afternoon. This is Anil from India, from the Registrar Group. Thank you.

DONNA AUSTIN:

Welcome, Anil. All right. So, as we've only got an hour and it seems that we have somewhat of light attendance in the room. I'm not sure that we'll get through too much today, but we'll give it a go. What I'd like to do first up is just have a little bit of a chat about our next steps and timeline, just so that I can set the expectation of the group about what's ahead of us. So, if you've got that slide, Saewon. Thank you.

Okay. So, public comment period is closed. Saewon and the staff have done a review of that, organized the comments in a perhaps easier to understand way that will allow us to review. So, we're looking at substantive and non-substantive comments, but Saewon we'll take a little bit through that in a minute. What we're aiming to hear is the timeline that we had identified previously was October 2024, to have the final report submitted to the GNSO Council.

We may be hard-pressed to beat that, but we will try, even if it's by a week, that would be something. So, we do have a fair amount of work ahead of us. All the members of the team should have received invites, so we'll kick off our regular calls in two weeks' time, I think it is. So, around the 27th of June, I think it's the first meeting that we'll have back, and we'll see how we go.

We know the 4th of July is coming up, so we won't be having a meeting then, but the plan is to have weekly meetings of two hours until we get through the rest of our work. I know there's a few clashes with other meetings, and we might have low attendance, but we'll see where we are on a week-to-week basis and work that out. So, that's our plan, and

that's our deadline is October, 2024. I'm always optimistic that somehow, we'll get in front of that and deliver it to Council before then.

Okay. So any questions about that? Any concerns? Everybody okay with that? Okay. I'll assume that's good. Okay. So I'm going to hand it over to Saewon, and Saewon will take us through, just give us a bit of an overview of the comments and how the staff organized it, and then if we have time, which we should have, we can have a look at some of the comments and have some discussion around that today. So, Saywan, you're good to go.

SAEWON LEE: Thank you, Donna.

DONNA AUSTIN: Thank you.

SAEWON LEE: So, hello everyone. My name is Saewon from staff. I know it's a new voice. Maybe it's good that it's light attendance today because I'm filling in. I have to fill in for very big shoes during this session, and obviously, I have Steve next to me that I will rely on if there's anything that we need more information on.

But basically, just now, our colleague John Emery has also shared in the Zoom chat the wiki space for today's session, as well as the direct link to the PPT slide deck. It was also shared with the team last week, and I hope you also had a chance to review it. And so, just like Phase 1, the

staff has prepared a brief high-level overview of the public comment submissions for Phase 2 initial reports, and as Donna mentioned, we will go into reviewing each comment over the next couple of months, and if we have some time today, we'll start with some non-substantive comments.

Before we go into the high-level overview, as well as specific comments, we just wanted to give a brief reminder of how the public comment input was received. So, the guided submission form asks that the comments were linked to specific recommendations and implementation guidance. Today and from now on, I'll refer them to outputs, which kind of includes all recommendations, implementation guidance, and affirmations, and which was preferred in the SubPro, especially as the Board only adopts these recommendations, not the implementation guidance.

So, I think it's actually good to refer to them separately or when together as outputs. As you can see in the slide, we kind of categorized them into substantive and non-substantive comments, and when requesting the input, we gave a level of support that was categorized into five stages, and so on the left side, the significant change required and the support that was not supported-- Sorry. The recommendation that was not supported was seen as substantive, and those recommendations that were supported as written or just with a wording change or no opinion at all were seen as non-substantive.

Again, as Donna also mentioned, we shared the public comment review tool with the team, and the submissions were organized through this

tool to assist the PDP-IDN teams' deliberations in the next few weeks. I do want to mention that today we will just go through a high-level overview as well as non-substantive comments through the slide deck, but in the following team meetings, we will actually be reviewing each comment linked to each output through this public comment review tool. So, again, just like phase 1, we want to go through the statistics. With the one that I shared last week, you probably saw that there were seven submissions from seven commenters.

We actually had a late submission from GAC recently, and that was incorporated into this slide deck as well as the public comment review tool, as you can also see from the screen. Basically, we had 17 outputs that received comments, and you can see which ones they are. Out of them, nine were significant concerns or that had objections, and here we also added those charter questions which this team did not provide outputs for, but which raised questions or concerns from the commenters, and they were four charter questions.

Again, as you can see in the table, which we will look into later in the slides. So, these are the topics that received substantive comments, which we will not get into today specifically, but they are related to the nine outputs that I just mentioned in the slide before. As I have highlighted in red in the fourth bullet point, the preliminary recommendation 14 and implementation guidance 15 that's related to the mechanism and service for the realization of the same entity rule received the most comments and concerns.

So, this topic will probably require the most time for deliberations in the future, and so we probably will need to plan out carefully and carve out the time or a chunk of our weekly meetings for this topic and discussions. Other seven, you can see those topics that also received concerns. I won't go into each of them, as you can see from the slide. We also received general comments and glossary related comments, which I'm not going to mention here, but there were several comments related to those charter questions without outputs, as I briefly mentioned earlier. The topic that was mentioned most was related to charter question D5, related to EPPR update and transaction fees.

And as you probably saw during the morning, this is one of the morning meetings, this is a hot topic, and it's, again, probably something that we will need to go deeply into. Other concerns and comments were on charter questions C3 and C3a, related to the identifying registrants for the same entity principal implementation, and C6 related to IDN table format. So, this is actually the end of the high-level overview of the comments received, and so I just want to stop here for a bit to see if there's any comments or questions, any comments in the chat, or if Donna wants to add anything.

DONNA AUSTIN:

All good for me, thanks, Saewon.

SAEWON LEE:

Okay. I guess we're good to go. So, today, we are limited to just over an hour, so noting that we don't have much time, and I think everyone just

wants to warm up today with the work that lies ahead. The leadership and staff suggested that we start reviewing the non-substantive comments first, so that we can kind of knock them out of the park.

So, before going into these breezy ones, I do want to mention, or I do want to thank Michael, who's here, seated with us today, for catching a small but relatively big error that was in the report related to the team's charter question C6 response in section 5, where there was a language error where the team's response was inconsistent with guideline 6a in the preliminary assessment of deferred guidelines 4.0, but it was mistakenly written as consistent with, so the staff has already made changes to the working document from is consistent with to is contrary to.

We did not feel the need to discuss this, as it clearly was an error, but just wanted to mention it as, first of all, not only to thank Michael, but also that this was our first public comment submission, so thank you, Michael. So, to go into the breezy ones, we thought that confirming the terminologies that need a global change, and where we received input on, could be appropriate to start us off with. So, there were two terminologies that came up requesting a global change. The first is grandfathered, and there were seven outputs linked to this terminology. As you can see in the left box, they were recommendations 3, 4, 8, 9, 10, 11, and 14.

This was commented by ICANN org requesting that this was changed for the language and the landscape to evolve to be more inclusive, accurate, and respectful, as the term grandfathered has a deep-rooted

racial history. And the changes, as you can see, again, in the box in the left, were requested to either pre-existing domains, exempted domains, or domains created before a certain date. So, before we go into the second one, I do want to open this for discussion or suggestions, either in the queue or in person. And I see that there is a hand. Maxim, would you like to go ahead?

MAXIME ALZOBA:

Maxime Alzoba, for the record, if we change to one of these three terms, I suggest we do not use created before and pre-existing for the reason following. Decision of a court may split one of the domains because the registry and registrars will have to obey to the decision of the court if it's their jurisdiction. And thus, exempted domains, maybe. Thanks.

SAEWON LEE:

Thank you, Maxim. Any other suggestions?

DONNA AUSTIN:

Saewon before we move on. So, I think, first of all, is everybody okay with the suggestion that we find a different phrasing instead of grandfathered? I think there's a good rationale to do that. And secondly, I think we had something similar in phase 1. So, what we need to make sure is if we're okay to use something different to grandfathered, that we look at each of the recommendations and make sure that whatever we change it to is consistent with the meaning of what the recommendation is. So, it may be appropriate to sometimes

use pre-existing domains. It may be appropriate in other circumstances to use exempted domains.

So, it may not be the case that we could just say okay. So instead of grandfathered, we're just going to use pre-existing domains because it may not always fit. So, that's something that leadership and staff could go through and have a look at if folks are, one, okay that, yes, we think we shouldn't use the term grandfathered. So, we can agree on that. And then secondly, that, is there other options besides the ones that staff have suggested that we would like to use or are we okay with the ones that staff have suggested, but it would make sense to staff and leadership to go through and just see what's fit for purpose in each of those recommendations. So, Satish?

SATISH BABU:

Thanks, Donna. Satish for the record. From an ALAC perspective, we are quite neutral about this change. Personally, I'm not from the US, so I'm not really aware of the history of this term. And I think we must be, as it says, more inclusive, accurate, and respectful. That is perfectly fine.

My concern only would be that the term grandfathered is actually a bundle of attributes very specific to the domain name industry and is commonly understood by everybody in the industry. If you're going to change it to these three, as you just pointed out, I don't think they carry the same bundle of attributes that we mean by the term grandfathering. So, we have to fix that, ensure that we precisely define some way that what are the different aspects that, whatever you're calling it, whatever

phrase we call it, but what it really means, so that there is continuity of, you know, what the industry thinks is happening here. Thank you.

DONNA AUSTIN: Thanks, Satish. Anil?

ANIL KUMAR JAIN: Thank you, Donna. I fully agree and support what Satish has said. Grandfathered is a term which is used commonly in ccTLDs, gTLDs and other systems within ICANN. And it is well understood by the user group, registrars and registry also. So, I don't think that it can create some problems, but I also agree with Satish that we have to honor the US rationale, a deep-rooted racial history on this.

SAEWON LEE: Hi, Anil. Anil, you are muted. Could you repeat that, please?

ANIL KUMAR JAIN: Okay. Thank you, Donna. And I endorse what Satish has said about grandfathered. And this particular word is commonly used within our parlance within ICANN. And it is well understood by the registry, registrars and registrants also. However, we also want to support in case there is anything which is a social aspect of this particular word in US. So, there is a need for appropriate using the word grandfathered. Thank you.

DONNA AUSTIN:

Thanks, Anil. I noticed in the chat that Michael's asking the questions if we could rephrase it to right of continuance. So, I guess that's another potential suggestion that we can add to the mix. So, I guess what I'm hearing, how can I put this? Grandfathered is an understood term within the community and the industry. But as it looks like ICANN org, well, as ICANN org has raised concerns about it, we are willing to see if there are other words or other phrasing that we could use.

So, I think that probably the most appropriate thing for us to do now is for leadership and staff to look at right of continuance, pre-existing domains, accepted domains, domains created before a certain date and see which is most appropriate for the recommendations where grandfathered is used as a term. I suspect it's also; we've used it throughout the rationale as well. So, this could get a little bit clunky and probably more complicated than we want it to be. But we'll, I think we'll do the best we can to, if we can't remove the term throughout, we'll at least try to reduce the number of times we use it.

Jennifer, either I can't remember if we've used it in the phase 1 report. It's possible that we haven't because phase 1 was about the introduction of variants at the top level. So, we don't necessarily have grandfathering or precedence. So, I'm not 100% sure whether we used it or not, but we could certainly check that. And Steve's saying that we definitely did use it. So, I guess this is a little bit of a tricky situation for it. Obviously, if it's important enough to ICANN or it's something that has been raised somewhere, it's been identified as problematic.

So, we will, and even though it was used in the phase 1 report, it doesn't mean we have to continue to use it in a phase 2 report. So, we'll see if we can find more suitable terms other than grandfathered throughout the report. But if we start to get hung up on what we actually meant and grandfathered is actually the most appropriate and best understood term, then maybe that's the term that we have to look to stay with. So, does that sound okay to folks? Okay. Satish is on board. And I know Rick has another suggestion, grant of continuance.

So, I think what we need to do is just go through the report, see where we've used the term grandfathered and see if we can come up with appropriate language that reflects what we're trying to say. So, the intent is important, as Satish has mentioned. So, whatever we use, we just need to make sure it's the most appropriate language. Okay. So, I think that's where we are on that one. Saewon, can I hand it back to you?

SAEWON LEE:

Yes, thank you, Donna. So, the second term is in the right box, registry operators, which is linked to two outputs, implementation guidance two and preliminary recommendation six. Again, this term was used throughout not only the outputs, but also the rationale. And this was commented by the Registry Stakeholder Group. The rationale was to avoid confusion as in who is to perform the activities, given that this is a GNSO sponsored PDP and that certain recommendations are intended for gTLD registries to implement. So, the change was

requested from registry operators to gTLD registry operators. Again, I would like to open this for discussion and suggestions.

DONNA AUSTIN: Dennis, go ahead.

DENNIS TAN: Thank you, Donna. Dennis, registries. I believe our input on this change from registry operators to gTLD registry operators, it was an ask for a global change. It's not only on implementation guidance two or the preliminary recommendation six, but globally make it consistent that the recommendations and implementation guidance is directed to gTLD operators to implement so that there is no confusion or ambiguity as to which registry operator we are asking. Because I think if we leave it undefined or imprecise in that way, it might suggest that we are asking also ccTLD operators to do that or be involved in the GNSO policy making. I hope that that makes sense. Thank you.

DONNA AUSTIN: Thanks, Dennis. I think there's potentially one area where we probably wanted to include ccTLDs and that was related to the process for updating the IDN guidelines. But again, if folks are willing to make this change, then we would need to just go through the report and make sure that if we are going to make this change that wherever we make it, it is appropriate. Maybe that we've mentioned ccTLDs in the rationale and that was our intention. But I think in most places this would be, the

intent would be that we're talking about gTLD registries. Go ahead, Dennis.

DENNIS TAN:

Thank you, Donna. Dennis Tan again from the Registry. So, since you call that out. One of the preliminary recommendations where ccTLDs were mentioned or at least I think the ccNSO in some manner and we felt that we are talking about we are developing policy recommendations within the GNSO construct.

So, we, the registries feel that it would be inappropriate or we don't see the rationale inviting other bodies to recommend how GNSO policies need to be developed. Specifically in the update of the IDN guidance, because as they are developed and adopted and approved by the Council, the Board or what have you, they are really contract obligations upon gTLD operators. And so, ccNSO, ccTLD operators can use them as a guidance of best practices, but we don't feel that it's appropriate for asking for ccNSO for approval for something that we are going to be required to do.

I think it's just a matter of process and principle. So, in that respect, I think the common stance and that's why we're requesting the global change and insist that in terms of developing policies for gTLDs, that's where the appropriate process is over. There's oversight by the boards, which could be the ICANN Board and the ICANN Board can direct GNSO to oversee the process. But I think we feel it's inappropriate to suggest that the ccNSO has any say in how GNSO gTLD operators should operate.

DONNA AUSTIN: Thanks, Dennis. And comments are noted and I think we'll park those until we actually come to the discussion of that recommendation because we did have quite a bit of discussion around the implementation guidelines. I can't remember what they are, whatever they are, and it did involve some discussion with the ccNSO and their working group. So, let's park that conversation until we get into that specific recommendation. But I take your point, but we may have some differences of opinion that we need to work through. So, I think I have a sense that we're generally on Board with what's been suggested here by the RySG, a global change. But again, we just need to work it through each of the recommendations to make sure it is appropriate. Is that fair with folks?

SAEWON LEE: I think everyone's in agreement right now.

DONNA AUSTIN: Okay. Thanks, Saewon.

SAEWON LEE: Can I continue?

DONNA AUSTIN: Yes, please.

SAEWON LEE:

So, now we will actually go into the non-substantive comments in the order of the outputs. And first output happens to be preliminary recommendation one. There were two non-substantive comments that were both supportive of the recommendations, as you can see in the slide. And to recap on the charter question and the preliminary recommendation that this team put out, I will read what is in the slide. So, it's related to charter question C1.

Both the SubPro PDP and the staff paper recommend that, (1), a given second level label beneath each allocated variant TLD must have the same entity, and (2), all allocatable second level IDN variant labels that arise from a registration based on a second level IDN table must have the same entity, should this recommendation be extended to existing second level labels. The recommendation that was put out was the same entity principle applies to the allocation of future variant domain names. This means that all allocatable variant domain names from a variant domain set must be allocated or withheld for possible allocation only to the same registrant.

Additionally, all allocated domain names must be at the same sponsoring registrar. So, related to this, we will look at the first comment from ICANN org, which is in the box in the right side. And this just requires the team's confirmation. And just to note, ICANN org did not explicitly select this support category, but because it was put in as an assumption, the staff analyzed and put it under the category of supporting recommendation intent with wording change.

So, the comment was, is the EPDP team in agreement with ICANN org's assumption that the same entity principle noted in preliminary recommendation one applies only to the second level and not the third level, as the third level is beyond the control of ICANN and registries and registrars? So, I would like to open the floor for confirmation or suggestions.

DONNA AUSTIN: I suspect there's a lot of nodding our heads around the table, so I'm saying that it's not intended that this applies to third level.

SAEWON LEE: I think that's how it seems. Yes, I got a very big nod from Michael.

DONNA AUSTIN: Yeah, as Dennis said, only second level.

SAEWON LEE: Yes. Okay. So, this was simple. We'll go to the left side now, which is a bit more complicated, but then again, it can be simple in how we see it. So, the second comment, which again, oh, Satish has something to say.

SATISH BABU: Satish here again. I just was wondering why we are living at third level and simply not say second level. Recommendation only applies to second level and nothing higher, because I think theoretically there are

several levels possible. Not sure what the number is upper limit. So, why should we specify only the third level? Thanks.

DONNA AUSTIN:

I think perhaps if Michael Karakash is available to speak to why this was raised as an issue by ICANN org maybe that would help us better understand why they're asking the question.

MICHAEL KARAKASH:

So, I can follow up again, but it was essentially to clarify what we already discussed that it was, there was an issue on the third level based on everything that we were saying that it should be focused on the second level. But if people are in agreement with Satish that you don't want to specify at the third level and you just want to leave it more open in that it could be possible as well.

SATISH BABU:

Edmon has mentioned an alternative formulation in chat.

DONNA AUSTIN:

Thanks Satish. So, Edmon is suggesting a more specific phrasing maybe for only levels for which the registry provides registration services for. So, I think if there's a clear way for us to say that this is only intended to apply for second level, then let's try to keep the language as clean as we can. I'm not sure that there's anything for us to do here except to respond that it's not intended to be third level and we can move on. Maxim?

MAXIM ALZOBA:

Maxim Alzoba for the record. I think one of the reasons to say that we do not need to regulate third level or lower level because registrants mostly are free to do things which are not violate the contracts with their registrars and policies. Registrars say they need to follow and adding things on top of that. First of all, it's not possible to track what the registrants do because it's a mass market. And if they don't do something outrageous against the law, most probably nobody will notice whatever they do. So, we don't need to regulate things which are not regulated in ICANN environment so far.

DONNA AUSTIN:

Thanks, Maxim. Edmon's saying that some registries do provide registration at third level, but again, I don't think there was, in the development of these charter questions and also the consideration of these charter questions, I don't think we ever got into third level registration. So, there was, I don't think there was ever an intent that any of these policies would apply to third level registrations. And my brain would explode if we had to think that far down the tree. Sorry, I'm just reading Steve's comment that the same wording mentioned by Edmon or similar was used in a different context.

So, there is some precedent, the SubPro PDP had a recommendation about emojis and the Council issued a clarifying statement. So, if we have to put something in the final report that is specifically calls out that these recommendations don't apply to third level registrations,

then we will do that. With the understanding that that is what the team is in agreement on. Okay. Any other comments on this, Maxim?

MAXIM ALZOBA:

Maxim Alzoba for the record. Actually registries, they have agreements with ICANN, TLD agreements. Registrars have agreements with ICANN and the registries they chose to basically be registrars in. And none of those have anything about third level. So, creating a whole set of things, which basically nobody wanted outside of this group will cause a lot of time spent on it and most probably no effect on what's going on. I do not think we should regulate things which do not cause any, I'd say, predictable harm. And also, it's outside of a contract.

And in many jurisdictions, if you force a third party to do something which is outside of the policies, etcetera, it's not a good idea. But here we're talking about the potential future IDN variants, TLDs, and creation of a whole set of procedures may bring more damage, I mean, in terms of time and money spent than it's going to solve. Thanks.

DONNA AUSTIN:

Thanks, Maxim. So, I think we can we can move on from this one. Thanks, Saewon.

SAEWON LEE:

Thank you, Donna. So, now we'll go on to the second comment, which is on the left side, which is provided by the registrar stakeholder group. This may or may not need the team's confirmation in the sense that the

group did support this recommendation as written. It just asked a few questions, which we believe that it seems more relevant to the implementation stage and not really policy, so not really within this group's remit. But again, we wanted to run this by the team in case any further actions needed to be made. So, I'll read the comment.

The registrar's stakeholder group supports this recommendation that the same entity principle applies to the allocation of future variant domain names and would raise some practical considerations regarding this principle. How does a registrar know that a domain is an IDN variant? How is a registrar to know that a source or variant domain is already registered with another registrar?

When an IDN source or variant domain is registered, can the registrar access a list of other variants which are available at that time? These questions may all be answered with a technical solution, such as an EPP extension. Again, I would like to open the floor for any suggestions or confirmations or if anyone wants to speak up about this.

DONNA AUSTIN:

So, I agree with staff's assessment on this, that I think it is for the implementation to sort out how this would work. So, we just have the recommendations for the policy and how it actually works is for the implementation review team. Michael, go ahead.

MICHAEL BAULAND:

Yes, Michael, for the record, maybe as some background information as I'm the registrar stakeholder group representative. When we discussed

this within the registrar's stakeholder group, we were aware that this is outside the scope of this PDP, but still we wanted to raise awareness that there are several practical considerations that should be taken into account, even if it's at a later stage. But these are points that are important to the registrars to be able to do their business with the policies developed in this recommendation. Thanks.

DONNA AUSTIN:

Thanks, Michael. So, I wonder if there's a way that we could attach implementation guidance to this. So, understanding that it is a registrar concern, maybe there's some way we can turn it into language that's intended to be guidance for the IRT at a later date. So, it's not policy, but it's some kind of suggestions for the IRT for how to deal with the problem that's trying to be solved. Satish?

SATISH BABU:

Thanks, Donna. Satish, for the record. I fully will support this particular formulation. My only problem is with the last sentence, which says all these questions may be answered with a technical solution such as an EPP. And I worry that this EPP doesn't have any dependencies that are part of our recommendations elsewhere, meaning what is required to implement EPP. For instance, is the ability to uniquely identify a registrant a dependency for EPP? If so, the report has not given any recommendation for that. So, if it can be done without those kinds of dependencies, then this is completely fine. But if there are such dependencies, then we have to be aware of those things. Thanks.

DONNA AUSTIN: Thanks, Satish. I think that last sentence is just, these questions may all be answered with a technical solution such as EPP. Not EPDP extension, that would be a nightmare. So, they're just saying it's a such as, but maybe, Michael, you've got a little bit more to that. So, go ahead.

MICHAEL BAULAND: Yeah, it was not related to this last sentence just as another add on to my previous comment that the concern within the registrar stakeholder group was that there shouldn't be the possibility that they accidentally do something which is not allowed, but which they were not aware of, like registering a variant even though another domain already exists with a different registrar. But these are all things that will and should be handled in the registry system to disallow this via some technical mechanisms. But the question was whether this could somehow be stated in some way that this will be the case. Thanks.

DONNA AUSTIN: Okay. Thanks, Michael. So, it seems that this is something that we may have to spend a little bit more time on as a group. I don't know that we have one suggestion is that we try to turn these questions into implementation guidance, but that may not fulfill the intent of the registrar. So, we may need to bring this back to the group and see if we can find a solution that will satisfy the registrar. Satish, is that a new hand or an old hand?

SATISH BABU: Sorry, old hand.

DONNA AUSTIN: Okay. Thanks. All right. What's next, Saewon?

SAEWON LEE: So, the next is the comment for Preliminary Recommendation 3. Again, a non-substantive comment. I will recap on the question as well as the recommendation. The Charter Question C1, both the SubPro PDP and the staff paper, sorry, this is the same, so I'm not going to read this again. And the Recommendation 3 was immediately prior to the policy effective date of the same entity principle, as set out in Preliminary Recommendation 1, the existing variant domain names that do not conform to the same entity principle must be grandfathered. This means that there will be no change to the contractual or allocation status of such existing variant domain names.

The requirement of having the same registrant and the same sponsoring registrar will not be applied retroactively. So, there was one non-substantive comment that was submitted by the Registry Stakeholder Group. The recommendation was supported with wording change request to add a sentence to the end of the recommendation. And the sentence was given as the first part is the same, the requirement of having the same registrant and the same sponsoring registrar will not be applied retroactively. gTLD registries must determine variant sets for each grandfathered label as if it was a source

domain name and protect from registration variant labels in all such variant sets in all variant gTLDs as appropriate.

So, I would like to ask the team for review of the language and revise as appropriate. And obviously we have the grandfathered here, which was linked to the first terminology issue, which we will have to obviously go through as well.

DONNA AUSTIN: General Dennis, is there anything you wanted to add to this for context?

DENNIS TAN: Thank you, Donna. This is Dennis for the registries. Yeah, I think that sentence is to clarify that the recommendation is twofold. One, well, it's saying one thing. That the pre-existing domain names are not subject to the new requirements. Which is the same entity principle in new registrations and block or allocate to the same entity.

That obligation implies that those pre-existing domain names, and as I think we discussed it in the implementation guidance on the rationale, cannot activate all the variants. So, that means that the registry operator needs somehow identify what those variants are and block any future registration. So, that last sentence is just making that clear, that it's also a requirement to identify and block from registration. It's just for clarity's sake. Does that answer the question, Donna?

DONNA AUSTIN: Yeah, it does. Thank you, Dennis. For me, anyway.

SATISH BABU: Thanks, Donna. This is fine. I think this is perfect. But my only question would be, when you say gTLD registries must determine variant sets, etcetera, is there a specific time? When does this happen? Is there a trigger that would last them to do this exercise?

DENNIS TAN: Sorry, I'm just making this up. But one date, which could be the cutoff, would be the effective date of the new obligations, whether that's-- I don't know how it's going to separate because one way to implement these new requirements would be a new registry agreement that we have talked about. Another way is to enact a consensus policy, which is effective as of a certain future date, and that applies to all gTLDs regardless, new or pre-existing gTLD. Thanks, Dennis.

DONNA AUSTIN: Thanks, Satish. Okay. So, Michael says he agrees to the added sentence. Sounds good to him. So, it looks like we might be okay with this one and can tick the box on this and note Satish's comment about timeframe. But otherwise, I think we're good. And Maxim please, it cannot happen before the policy is applied. So, that's correct. They become grandfathered. I'm trying not to use that term, but I just don't have any other that can come to mind. But it only starts from the policy effective date. That's when they become a grandfathered domain and the requirement would kick in. Okay. We've only got three minutes left.

So, I think that's where we'll call it today, Saewon. Is there anything you wanted to say to wrap up?

SAEWON LEE: Donna, so today's session is actually until three. We actually have 18 minutes left. Really? Unless you want to finish early.

DONNA AUSTIN: I thought it was only an hour. Anyway, let's keep going.

SAEWON LEE: Okay. So, noting that this sentence will be added, but the grandfathered term will be checked again between leadership and staff. Trudging along. So, the next comment was for preliminary recommendation four. Again, non-substantive. I will recap on the charter question, C2. Currently, registry operators may activate the IDN variant labels at the second level when requested by the sponsoring registrar of the canonical name as described in the IDN tables and IDN registration rules.

Both the SubPro PDP and the staff paper recommend that at the second level, the same entity definition can be achieved by ensuring that the registrant is the same. Should this recommendation be extended to the already activated IDN variant labels at the second level, how does the same entity requirement impact the current rules for registry operators for activating IDN variant labels?

The recommendation that was given was any allocatable variant domain names of grandfathered domain names pursuant to preliminary recommendation three cannot be allocated unless and until only one registrant and one sponsoring registrar remain for the grandfathered domain names from the relevant variant domain set. The comment was provided by the registrar's stakeholder group supporting the recommendation as written. Just for the comments, we just wanted to check that it was confirmed with the team. And the comment that was given was in this scenario, the registry would need to keep track of what domains and variants exist as the registrar would not have access to that information.

DONNA AUSTIN:

Thanks, Saewon. So, Michael, this is a comment from the registrars. Was there an expectation that anything would happen from this or is this just a statement of fact for clarification?

MICHAEL BAULAND:

I don't think actually anything needs to happen here. It's again similar to the one before that the registrars are just cautious in the sense that these policies don't enforce them something to do, which they can't really do. But I think that's clear and everybody agrees with this.

DONNA AUSTIN:

Okay. Thanks, Michael. All right. Any other comments on this?

SAEWON LEE: I don't see any, Donna.

DONNA AUSTIN: Okay. So, I think we note this and move on. Thanks, Saewon.

SAEWON LEE: Okay. So, the next comments came in for preliminary recommendation six. And this was also tied to implementation guidance seven, which we will see in the later slides. So, there's a few on this. And so first I will go through the charter question, but also those comments that doesn't really need an action, but just wanted to share for the group. So, the charter question C5 mentions there is existing practice by registries to harmonize IDN tables, but there is no data on the various methods they may have used.

The staff paper suggests maintaining a common set of harmonized second level IDN tables for all IDN variant TLDs, and then choosing all these IDN tables to offer for all IDN variant TLDs, or B, choosing a relevant different subset of IDN tables to offer for each different IDN variant TLD. The working group and the SubPro IRT to coordinate and consider the following question in order to develop a consistent solution. Are the above suggested methods in the staff paper sufficient for IDN table harmonization purposes? Should any additional implementation guidance be provided for a registry?

And the recommendations that was given is the baseline criteria for implementing IDNs at the second level must be security and stability of the DNS. Registry operators, ICANN org and other relevant stakeholders

must develop minimum IDN variant deployment requirements, i.e. variant sets that do not compromise the stability and security of the DNS. Registrar stakeholder groups supported this recommendation as written.

Again, no action is needed from the team, but the comment was that this is a very important recommendation, especially when considering the security risk presented by homographs. The minimum IDN variant deployment requirements should be developed with input from registrars, as registrars have experience which may assist the process. So, we just wanted to reemphasize this. And unless there's any comments, I'll move on.

Again, as I mentioned, this recommendation was also a set with implementation guidance seven. And to recap, it says ICANN org, gTLD registries and other relevant stakeholders should collaborate to develop minimum IDN variant deployment requirements, i. e. variant sets at the second level. This should include respecting IDN 2008, IDN implementation guidelines and any future versions of these two documents. In addition, this process can consider multiple sources of work, including but not limited to current registry operational practices, second level reference LGRs and the root zone LGR.

There was a comment provided by Registry Stakeholder Group, again, supporting the recommendation as written, but not really requiring a team action. I'd like to read the comment to you unless Michael wants to say something first.

MICHAEL BAULAND: Yes, just quickly to the previous comment, if it could go back. There it says that this should be done by registry operators, ICANN org and other relevant stakeholders. And maybe we could registrar explicitly to that list to include them if-- No? Okay. Dennis says no.

SAEWON LEE: Again, thank you for that, Michael. We actually do have some comments about this part that will be coming up in later slides or the later comments that we would like to share. So, this might be a topic that we would actually, not topic, but this would actually be an issue that we would need to discuss. So, maybe you can raise it again, unless Dennis says no again.

So, the next one, as I mentioned, is a comment from the Registry Stakeholder Group. Again, as I mentioned, no action needed, but I just wanted to emphasize that the Registry Stakeholder Group appreciates that the topic on minimum IDN variant deployment requirements at the second level was one of the most challenging topics during the phase two work and a lengthy collaborative process between the Registry Stakeholder Group and ICANN org, which have resulted in recommendation six and implementation guidance seven.

The Registry Stakeholder Group urged that these two items be considered as a pair for the next steps, particularly in the call for relevant expertise to undertake the development of minimum IDN variant deployment requirements, i. e. variant sets at the second level. So again, I just wanted to present their comment to you. Unless there's any other comments, I will move on. So, I am conscious of time. We do

have nine minutes left and maybe we have some AOBs. So, I think this might be our last comment to discuss, but this is also related to the next slide, as well as what Michael just mentioned. So, I don't know if we want to quickly go into this, Donna?

DONNA AUSTIN:

Let's just run through it, Saewon. I don't have any other business, so let's just see if we can get through it.

SAEWON LEE:

Okay. So, this would be the last then of today. So, basically, as Michael mentioned, there were a few comments related to this recommendation and implementation guidance. So, the first came from ICANN org, just trying to reiterate the fact that there was no consistency between the two outputs in the sense that this must and should, whether the minimum IDN variant deployment requirement is required or optional. So, this was raised in the sense that it should be consistent.

So, ICANN org does recognize the fact that the recommendation was more centered on or focused on the stakeholders having to develop the minimum IDN variant deployment requirements, and the implementation guidance was more focused on the stakeholders' collaboration when it refers to this should develop. But again, it was mentioned that this language was confusing and requested revision to avoid this confusion and have some alignment. Donna is--

DONNA AUSTIN: Sorry, trying not to distract you, Saewon. So, I won't. Keep going.

SAEWON LEE: Okay. I'll just go on. But I don't want to open this to the floor yet in the sense that there was another comment or comments by ALAC related to these. And again, similar but different. So, the second one is more related to what Michael was mentioning in the sense that they wanted some consistency in those stakeholders involved. So, the ALAC was suggesting that the implementation guidance specifies the same stakeholders, basically. And again, this can be a discussion, including what Michael was mentioning. And the first comment that they mentioned was that this variant sets appears to be inconsistent with the rest of the text and perhaps needs to be deleted.

I'm guessing this will need a bit of time. We do have six minutes left. I don't know if we want to start the discussion and maybe end at the top of the hour and maybe continue at the team meeting. But I'll open the floor.

DONNA AUSTIN: Go ahead, Satish.

SATISH BABU: Thanks, Donna. The first one is actually quite trivial. Maybe because some of us had difficulty understanding the phrase variant sets. If it can be expanded or deleted, we are fine either way. In order for clarification of what is really meant by variant sets. Because previously we talked

about IDN variant deployment requirements. And this says i.e., which means it is exactly variant sets. So, that sounded to us as slightly inconsistent. So, we are okay with it if it can be expanded to be clarified.

The second one is more complicated because we got specific feedback on why ccNSO is left out of this whole thing when there is a specific requirement that we synchronize with them. So, that might require more substantive discussions. But the first one, if the leadership team can or staff can take a look at the phrase variant sets and make it a little more clear for them because we are looking at this from the end user perspective, not highly kind of technically qualified people. So, as simple as possible would be nice. That is just a suggestion. Thank you.

DONNA AUSTIN:

Thanks Satish. Jennifer.

JENNIFER CHUNG:

Jennifer Chung for the record. Dot Asia for the registries as well. Just a little bit of context, I guess now looking back at the first point from the ALAC comment. I think without the history of how this text came to be, I think originally the charter question was asking on harmonization of IDN tables. And the recommendation expands on that because harmonization is not specifically called out in any of the recommendations here. I think with that context, I think we're okay to take the language out from that parenthesis, but I guess it was just a callback on where this conversation started.

I think maybe leadership could take a look at it to see if taking it out makes sense and also probably talk to Sarban and team, because I think there was some willingness or I guess there was some insistence that there should be some kind of reference there, even though the registries, we think that this larger, I guess this language here expands on exactly what registry operators have to do or gTLD registry operators have to do with this particular recommendation. Thanks.

DONNA AUSTIN:

Okay. Thanks, Jen. And thanks for that reminder. So, yeah, if folks can remember that the charter question was specifically around harmonization, I think that there was a concern from the registries that we didn't need to just hone down on that. There's a broader set of deployment requirements that could be part of that conversation. And Satish, I don't know whether that changes your thinking now, but the IA, I guess is just a variant set is one of those potential deployment requirements, but there are others as well that were intended to be part of the conversation for how to, you know, do the deployment. Maxim?

MAXIM ALZOBA:

Maxim Alzoba, for the record. Speaking about synchronization with the CCs, CTLDs and gTLDs, it's a wish, it's not a requirement because it's not possible to synchronize with someone who doesn't want to be synchronized with. I mean, I'm a bit wrong. They will not, I mean, CTLDs change things in favor of gTLDs. So, we shouldn't do it either. We may try to be synchronized, but not necessary. For example, some CTLDs,

they do use emojis, and we do not. And it's not going to be changed in the nearest future. Thanks.

DONNA AUSTIN:

Thanks, Maxim. So, I think we all acknowledge that what we're doing here is policy that will ultimately be the requirement of gTLD operators. But I think there are, and this goes back to the IDN implementation guidelines, ccTLDs have been involved in the development of those over time and yes, it is whether they want to abide by those guidelines is up to them. But I don't think that should exclude us from being inclusive in our language, even if what we're recommending goes perhaps beyond the scope of gTLDs. Because I think one of the requirements that the Board did ask us to look at was a uniformity in approach for one of the better words.

So, it is part of what we're asked to do as well. So, where we've had conversations with the ccNSO about different things, and we certainly did that at the top level, we shouldn't be careful not to, well, we shouldn't be careful, but I don't necessarily think we have to take a hard line on excluding CCs from what we're doing. So, there could be some applicability there.

So, let's just take it on a case-by-case basis. And we understand that what we're doing here is about gTLDs and it is consensus policy that has no binding impact on ccTLDs. But it doesn't mean that it could be something that is looked at by CCs at a later time as best practice or something like that. So, let's just be mindful of what we're doing. And

at the start of all of this, the Board did ask us to try to have consistency between Cs and Gs. So, it is not always simply out of our scope.

So, we do need to wrap up, because apparently, we are at time now, and we're over time. So, the 27th of June, I think is, yes, 27th of June, 1200 UTC, we'll be meeting for two hours. So, we'll get back into the swing of weekly meetings. And we'll try to make some sense of all these comments and develop our final report. So, thanks, everybody. Good to have you all back. And we'll see you in a couple of weeks. Travel safe, folks.

JOHN EMERY:

Please stop the recording. That concludes today's session.

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