
ICANN Transcription

IDNs EPDP Team

Thursday, 18 November 2021 at 13:30 UTC

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JULIE BISLAND:

Good morning, good afternoon, good evening, welcome to the IDNs EPDP call taking place on Thursday the 18th of November 2021 at 13:30 UTC. In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room.

We have no apologies for today's call. All members and participants will be promoted to panelists for today's call. Members and participants, when using chat, please select "everyone" in order for everyone to see chat. Observers will remain as an attendee and will have view only chat access.

Statements of interest must be kept up to date. if anyone has any updates to share, please raise your hand or speak up now. Seeing no one, if you do need assistance updating your statements of interest, please e-mail the GNSO secretariat. All documentation and information can be found on the IDNs EPDP Wiki space.

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Recordings will be posted on the public Wiki space shortly after the end of the call. Please remember to state your name before speaking for the transcript. And as a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior.

Thank you, and over to our chair, Donna Austin. Please begin.

DONNA AUSTIN:

Thanks, Julie. Welcome, everybody, to our call for today, and thanks to everybody for agreeing or at least not objecting to moving our calls to 90 minutes. I hope that that's going to be really helpful for us moving forward. I would note that we are, at the moment, behind schedule. But I'm hoping that at some point in the future, we will make that up. I will note that we won't be meeting next week because of thanksgiving in the US. And then as we go into the last week or two of December, I think we're going to lose some time there.

So I think as a leadership team, we'll look at more longer-term planning for our meetings moving forward to ensure that if we do feel that we're going to go beyond what we've identified as our project plan to Council, then we either talk to you about adjusting that or talk to you about other ways that we might be able to make up some time. So whether that is ... we need more calls or we need a concentrated week of calls, we'll discuss that with you as we go through.

Today, we're going to continue our conversation on topic A, and hopefully folks had a chance to read through what Ariel sent to the

list yesterday. I apologize it was a bit late, but it was a discussion about whether there was value in providing it to you early, and I think there was. So hopefully you've had time to have a look.

Sarmad is going to take us through the data gathering exercise that he and Pitinan have been conducting. When I first saw that there was a requirement for data gathering, I thought that wouldn't take very long. But I think you'll appreciate when Sarmad takes us through the data gathering they've done that it is—I think it might continue to be—a substantive piece of work. So Sarmad and Pitinan will take us through that.

And then to the extent that we have any time, we'll get into charter questions A1 and A2 and the reason we skipped over those was because we were waiting on that data. So with that, do we have any questions relating to that? I don't see any hands up, so I think we're okay. We will get into it.

I want to recap where we think we are on the conversations we've had to date. Please bear in mind that these are very high-level. But I think if we can at least agree that this is where we're at, then that will help us as we fill out, start drafting on the report. And Ariel and the team have started doing some drafting, and I think what the plan will be moving forward is that when we think we have—we'll see if we can agree on the high-level points and then we'll do some drafting.

And when leadership team thinks that the drafting is in a reasonable place, we will put that to the list—because you're operating as members, we'll look at giving you two weeks to consider that, and then we'll come back and have a conversation

to see if there's any concerns, and then we can move forward. That's kind of the process we want to go through.

So what we have here is where we think we are from a very high level, appreciating that there's some detail that we need to fill in. And we have had a lot of conversations and we have made a lot of assumptions because the SubPro recommendations haven't been approved yet, so we don't know what the process ...

So at a high level, I think what we've agreed in considering question A3 is that an applicant can challenge an evaluation determined by the DNS stability panels of the applied for TLD label. The script is supported by the root zone LGR is invalid.

Secondly, eligibility for filing such a challenge is limited to the applicant's belief that the DNS stability panel has incorrectly assessed the label as invalid, and thirdly, that the evaluation challenge processes and criteria applicable to the DNS stability review recommended by the SubPro final report should be used for such a challenge.

So that's where we think we are at a high level. And with that third one, what Ariel is going to take us through after we finish this discussion is a little bit more detail around what was in the SubPro final report. So I see Hadia's hand is up. Go ahead.

HADIA ELMINIAWI:

Thank you so much, Donna. I do agree with what we have on the screen, but I do want to note, in relation to number two, it is not actually limited to the applicant's belief that the DNS stability panel incorrectly assessed the label as invalid. It also includes the belief

of the applicant that the algorithm has incorrectly assessed the label as invalid, because first, you have the algorithm determining it as invalid, and then you have the panel looking at it and determining and assessing it as invalid. So I'm not sure that it is limited to that. Thank you.

DONNA AUSTIN:

Thanks, Hadia. If I could add a little bit of flavor to this, I think I agree with you that—we've had that discussion about if it gets to the application system and the applicant thinks that the application system is wrong—you're correct, we did agree that that would be a reason for the application to continue. But ultimately, it's going to be the DNS stability panel that makes an assessment about whether that label was invalid. So that's what I think he means there. So we can add, I guess, a subpoint to that that reflects what you've identified. Thanks for that.

I see Michael's ... Does that make sense to folks? When you think about the process that we looked at, I think we all agreed that ultimately, it's going to be the DNS stability panel that will make the assessment on the label about whether it's valid or invalid. Dennis, go ahead.

DENNIS TAN:

Thank you, Donna. Yeah, I think in general, I support these three high-level points, understanding that the DNS stability panel encapsulates the root zone LGR algorithm validation. So I think it's a good way for us to keep moving forward, noting that we potentially need to come back to put those final details as to what

exactly DNS stability panel means in terms of our own rationale and thought process. Thank you.

DONNA AUSTIN:

Thanks, Dennis. Okay, so it looks like we're in agreement. And Dennis, you're correct, we've got a little bit of filling out to do. And we've started to do that, but I thought it was important that we could at least get some agreement at a high level of what we've agreed and then we'll fill in the detail. So this is encouraging, that people don't seem to have too many concerns about what we have. That's great.

Ariel, if I can turn it over to you to walk through the recommendations in the SubPro final report that we think are applicable here. And perhaps could you just flick through to the questions first, which I know are at the end of this deck? Just so people have the questions top of mind when we're going through this. I think it would be helpful.

ARIEL LIANG:

Thanks, Donna. I have presented the second part of the questions on the screen. The first paragraph is basically context, so I omitted it here on the slide.

DONNA AUSTIN:

Sorry, Ariel, I meant the two questions that you have at the end of this deck.

ARIEL LIANG: Okay. Let me do that quickly.

DONNA AUSTIN: Thanks, Ariel. So when Ariel is going through these—and maybe I could ask somebody to put these questions in chat—keep in the back of your mind what we’re trying to do here is consider those two questions and see where we come out. So if you can think about that as Ariel walks through that, that would be great. Thanks. Over to you, Ariel.

ARIEL LIANG: Thank you very much, Donna and everyone. So what I'm going to do is to present the relevant SubPro recommendation from the implementation guidance to the EPDP team again for the team to consider whether any or all of the recommendations' implementation guidance are applicable and whether any additional implementation guidance should be developed.

The reason we’re doing this is because in the charter question, we have highlighted here that if SubPro’s challenge mechanism should be used, what are the criteria for filing such a challenge? Should any additional implementation guidance be provided? That’s asked in the charter question, that’s why we’re doing this exercise here.

So since the EPDP team has agreement on the third point in the previous slide that Donna just presented, which is about the challenge mechanism pertaining to DNS stability review should be used, these recommendations and implementation guidance from SubPro are applicable.

So if you recall, in the past when staff presented on this, there's a process for DNS stability-related challenge. So the components for this challenge include outcome that might warrant a challenge, potential affected parties, parties with standing, arbiter of challenge, likely result of a successful challenge and who bears the cost. So it's the little table at the bottom of this slide that kind of provides a picture of how this challenge may look for DNS stability review.

Then the recommendations and implementation guidance listed above is basically corresponding to this table here. So these are the ones that both leadership team and staff think should be naturally applicable to this challenge mechanism we're discussing here. So I won't go into detail for this particular slide.

In addition to those recommendations and implementation guidance, SubPro also developed additional implementation guidance and recommendations under topic 32 which is about challenge and appeal. So staff and leadership team have done a review of all the other ones and these are the ones that we picked out from the list and believe that they may be also applicable, but we want to get EPDP team's feedback and input on that. So I would just go through them one by one.

The first is the additional detail in implementation guidance 32.5. That one is about the question of arbiter. In this implementation guidance, it says in the case of challenge to evaluate decision, the arbiter should typically be from the entity that conducted the original evaluation, but the persons responsible for making the ultimate decision in the appeal must be different from those that were responsible for the evaluation.

So based on our understanding of the DNS stability review challenge, it seems that the arbiter should be the DNS stability panel but it should be different persons that make the final decision of the particular challenge, shouldn't be the original evaluator for that label. So that's what the first paragraph means.

The second paragraph in the implementation guidance 32.5 is that ICANN itself may be the evaluator for any of the application evaluation components. The arbiter of challenge where ICANN itself was the evaluator should be a person or persons within ICANN that were not involved in the ultimate evaluation decision. If possible, it's also recommended that the challenge process should be done under the supervision of the ICANN ombudsman.

So what we understood of the second paragraph is about maybe certain arbiter or panel have limited number of experts. So in those cases, ICANN may be the evaluator of the challenge, but we're wondering whether that would be applicable for DNS stability review-related challenges as the DNS stability panel may have more than just one expert. And maybe ICANN Org has a role to play here. But we want to include this detail here just to present you the complete picture for implementation guidance 32.5. So that's the first one.

The next one is implementation guidance 32.7. All challenges and appeals except for the conflict of interest appeals should be reviewed under the clearly erroneous standard. That's an excerpt from that implementation guidance 32.7. There's a second sentence there that's not really applicable for a DNS stability review so we exclude it here.

There's also a footnote regarding clearly erroneous standard. Under a clearly erroneous standard of review, the appeals panel must accept the evaluator's or dispute panel's findings of fact unless, one, the panel failed to follow appropriate procedures, or two, failed to consider or solicit necessary material in evidence or information.

The rationale for this particular implementation guidance is that when the SubPro PDP discussed this point, they believed that de novo standard would be time consuming and costly, and also, there's an expectation that ICANN should have done a thorough screening process to pick its evaluators and panelists. So deference should be given to the determination of that panel regarding the challenge. That's why the clearly erroneous standard would be sufficient here. So that's the second implementation guidance—additional one pertaining to the challenge we're discussing. And we'd like to gather input whether this is also applicable to our current case.

The third one is recommendation 32.10. In fact, there are two additional implementation guidance under this recommendation and they're all related to enhanced efficiency of handling the challenge mechanism. So I'll just read the text on the slide here. 32.10, the limited challenge appeal process must be designed in a manner that does not cause excessive unnecessary costs or delays in the application process as described in implementation guidance below.

The next one is 32.11, designated time frame should be established in which challenges and appeals may be filed. 32.12, a limited challenge appeal mechanism should include a quick look

step at the beginning of the process to identify and eliminate frivolous challenges, appeals. Finally, 32.13, a party should be limited to a single round of challenge appeal for an issue. With exception of a challenge of conflict of interest determinations, parties should only be permitted to challenge, appeal the final decision of an evaluation or objection and should not be permitted to file interlocutory appeals as the process progresses.

So all these four parts that are related to enhancing the efficiency of the challenge mechanism and make sure the other applications in the program don't get held up because there's a challenge going on. That's why there's a designated time frame and also a quick look step 4 to eliminate frivolous challenges and then there's also another implementation guidance to avoid multiple appeals or interlocutory appeals with challenges that are happening. So that will help increase the efficiency of handling the challenge.

These are the recommendations and implementation guidance that staff and leadership team reviewed from SubPro report, and we're hoping to get your feedback on whether any or all of them are applicable. And also, should any additional implementation guidance be developed on top of these SubPro ones? I'm sorry I wasn't able to keep up with the chat, but I will stop now. Thank you.

DONNA AUSTIN:

Thanks, Ariel. We just had a little bit of discussion in chat. Jeff was suggesting that maybe the question should be the opposite. Are there any recommendations that are not applicable? I don't think it matters whether we say not applicable or applicable. I think we'll

come out with the same answer. So I'd like to hear from folks now whether any of those recommendations or implementation guidance that you think are not relevant to the challenge of an invalid label determination, and also if there's anything else that we need to be thinking about. So Jeff, go ahead.

JEFFREY NEUMAN:

Thanks. I don't have the final report in front of me, but I'd like to hear a little bit about the recommendations and implementation guidance that you all didn't think were applicable and why. And again, I hesitate with the question of, should any or all be accepted here? Really, there is a burden here on us that we need to have a good reason if we're not going to accept any of the ones that were accepted via consensus to apply to all challenges. So I don't want to get into a conversation where everything just gets opened up because we want to have a rediscussion of some of the principles and things that were already hours and hours spent discussing. Thanks.

DONNA AUSTIN:

Thanks, Jeff. Ariel, did you want to answer the question? If there's anything missed, I can come back to that.

ARIEL LIANG:

Thank you, Donna. And thanks, Jeff. I should have clarified at the beginning that almost every single recommendation implementation guidance from SubPro are included in the slide here. The only one that wasn't included is implementation guidance 32.6 because that one is only related to the appeals to

formal objections. We're talking about challenge mechanism here, so that one is obviously not applicable to our case.

But every other recommendation and implementation guidance are included here for discussion and [inaudible] relevant to this challenge mechanism. So I just want to clarify.

DONNA AUSTIN:

Thanks, Ariel. Also, Jeff, on your concern that I think you said we have a burden to—if we're going to move away from SubPro recommendations, that we need to explain why. So I think it's reasonable for this group to have a conversation about the SubPro recommendations and implementation guidance and ensure that they are or are not applicable to the work that we're doing. If we decide that they're not applicable, then yes, absolutely, we need a rationale for that and we need to understand the consequences of that.

So we're not going into this with the intent that we are going to, I guess, knock out all the strategic plan recommendations and implementation guidance. But I think from a process perspective, we do need to go through them as a group and if there's any concerns, we have to have a conversation around that.

And if we decide we don't think the SubPro recommendations are applicable, then we need to understand the consequences and provide a rationale for that. So I think we're just doing our due diligence here. I don't think it's anything that we're necessarily trying to manipulate SubPro recommendations or anything like that.

As Ariel said, there's only one that's kind of been taken out, and that's because we didn't think it applied. It was related to another process. So, does anybody have any comments on what they've just seen? Do we think we're in good shape that these recommendations and implementation guidance are applicable to what we're dealing with here with an appeal for an invalid label determination by the DNS stability panel?

Satish.

SATISH BABU:

Thanks, Donna. I had a question on the ... For me, by default, the SubPro recommendations must apply. But I'm trying to think of any mitigating factors. So I'd like to know if the SubPro did consider the use of a nonhuman agency for the stability evaluation process or it had not considered this at all, because I can't think of any reason why we cannot apply all the recommendations, except if the root zone LGR's use was not considered. Thank you.

DONNA AUSTIN:

I don't know the answer to that. Jeff, if you have any recollection.

JEFFREY NEUMAN:

It's a hard question because it's not like SubPro started with the premise that the evaluations would all be done by humans or not. It was really based on the outcomes of the evaluation, not necessarily how the evaluations were done or who ... So I'm not sure how to really answer that question.

At the end of the day, there's going to be a DNS stability panel. What the panel uses as their tools to help them with the ultimate evaluation, I'm not sure is necessarily a relevant factor. So yeah, it's not like we consider that these valuations were being done by humans or not. It just didn't ... I think the important part was the outcome, not the how, necessarily.

DONNA AUSTIN: Thanks, Jeff. And Satish, I think the conversations we've had around this, we had agreement that there would be a manual check of the applied for label and against the root zone LGR that would be done by the DNS stability panel. So I'm not sure whether that was something you were getting to or not.

Dennis, and then Hadia.

DENNIS TAN: Thank you, Donna. Just wanted to express personally that yeah, my agreement with the framework that SubPro recommendations and implementation guidance offer I think is going to be up to us to define the thresholds by which a challenge could be brought upon the DNS stability panel based on the results of the root zone LGR or whatnot. And that's basically what we need to work on, the tactics. The framework seems to be appropriate for what we need to achieve here. Thank you.

DONNA AUSTIN: Thanks, Dennis. Hadia.

HADIA ELMINIAWI: Thank you, Donna. I think the importance of Dennis's question lies in Recommendation 32.2, which says in support of transparency, clear procedures and rules must be established for challenge/appeal processes as described in the implementation guidance below.

First, I just want to state that I definitely agree on adopting all SubPro recommendations. I was just wondering that maybe if the human aspect was not considered, if there needs to be extra guidance in the implementation guidance. So that's it. Thank you.

DONNA AUSTIN: Thanks, Hadia. I just want to clarify something. When you and Satish talk about a human element, and whether my recollection of our previous conversations that we will likely have a recommendation that a manual check is done by the DNS stability panel of every label, and whether that covers your human element check if that's what you're requesting. So Satish and Hadia, would that ...?

SATISH BABU: Okay with me.

DONNA AUSTIN: Okay. And Hadia, does that address your concern? Okay, great. So that'll be something that we would put—and I think we've already had that conversation previously and that's something that

would be in our recommendations and implementation guidance, that that be part of the DNS stability review or evaluation.

Okay, so I think we're now in a position to say that the recommendations and implementation guidance that Ariel has discussed are applicable, and there may be some other implementation guidance that we need to come up with, just to make sure that we address that issue about the DNS stability review.

Okay, so I think with that, we can draw a line under A3 and on the understanding that staff will continue to work on developing the recommendations and the implementation guidance more completely. And then once leadership is comfortable with that, we will share that with the group for a two-week period to give your members enough time to discuss and then come back to the group as to whether that's okay for now and we could move on. Ariel, go ahead.

ARIEL LIANG:

Thanks, Donna. Just a quick reminder from staff is that even though we heard some members mention that we may need to adopt SubPro recommendations, maybe in the language of our recommendation, we don't need to mention the word "adopt," we can just say that SubPro recommendations and implementation guidance related to challenge mechanisms are fit for purpose. So we can just use that language and then we don't need any kind of formal action to adopt them. So hopefully that helps clarify and simplify things.

DONNA AUSTIN: Thanks, Ariel. I think that makes sense. Okay, so that's great. So we are going to move on to—Sarmad will now take us through the data gathering exercise. And then if we have some time—which I hope we will—we can start on questions A1 and A2. Sarmad, are you good to go?

SARMAD HUSSAIN: Yes. Thank you. Basically, as you're familiar, there are six questions which have been asked as far as the data gathering exercise is concerned, and they're listed on page 19 of the draft charter. The first one was using the latest version of root zone LGR, determine the variant labels of the 2012 new gTLD round and determine whether the list of calculated variants match those that are identified by the applicant.

So it is doing a couple of things. First, we need to identify the variants which are generated by the root zone LGR. We also need to go look up the variants which are self-identified. And then as a third step, we need to compare those two calculations and see what are the differences.

Would you want me to go through all of them, or just the first one and then go into a discussion?

DONNA AUSTIN: I think it makes sense to perhaps go through what you think is relevant to A1 and then if it's distinct, go through that and then we can have a conversation.

SARMAD HUSSAIN: Sure. So I think this first one is relevant for A1, A2. And then the rest are actually, as you can see, more related to later A4, A6 and so on. So we'll go into details for this particular question.

So what we've done is we've taken actually all of the ccTLDs as well as the gTLDs. The type is given in column C. We're also listing the script of the label, so it is for example Arabic or Bengali, Chinese and so on. And this is more of a summary sheet. And let me explain to you what information this sheet contains. So we actually have the label which was applied for, the equivalent A label, and this is just for readability. Column F is basically transliteration or English transliteration of that label in case of course it is an IDN.

Then we go into these three separate sets of columns. The first set of columns, which is G through I, is looking at total number of self-identified variants in this column. In the next column is the total number of variant labels calculated by the root zone LGR. And then we actually added here the number of self-identified labels or variants which cannot be generated through the root zone LGR.

So ideally, what should happen is that all the self-identified variants should also be identified as variants through the root zone LGR calculation. But if there is some disagreement between the root zone LGR calculation and the self-identified variant, that is noted in this column.

Let's look at this data first and then we'll go and look at the remaining data. So we've repeated this exercise for all the 1500 plus TLDs in the root zone, and as you see, there are many cases where there are no self-identified variants. You will see zeroes meaning that applicants said they did not identify any variants. That doesn't mean there are no variants.

If you look at the root zone LGR calculation, let's look at gTLD, this particular row, this is an example of an Arabic gTLD, they identified that there are zero variants but the root zone LGR calculation identified that there are 499 variants of this particular label. However, there is no issue because since there were no variants self-defined, then there is no disagreement with the root zone LGR calculations.

Looking at where there are disagreements, we found one case. This is one case, it is the ccTLD for Syria. One of the variants which has been identified seems to be a spelling variation rather than actually a variant. Its example in Latin or English would be color and colour where one has different spelling and one could actually identify that as a variant.

In any case, this seems to be a variation. Otherwise, if we go down this list, we'll see that wherever there are self-identified variants, those variants are also created by the root zone LGR, so there is no difference in calculation between self-identified as well as the root zone LGR calculation.

Similarly here, there was one identified as part of this longer list, and here as well, and so on. So we found one for IDN ccTLD for Syria, but that seems to be a variation. Again, if you go down,

you'll see that wherever there's a zero here means there are some self-identified variants but those variants were also calculated by the root zone LGR so there was no issue.

And wherever—if you keep going down the list, we find one string which actually identified seven and there are four variants which disagree with that calculation. We actually looked at the more detailed data for that application. So this is sort of the raw data we calculated or generated for each of these applications against which some of these slides have been developed.

For this particular string, we're talking about this area—actually, this whole set—and what we found out was that in the self-identified variants versus the root zone LGR, there seems to be potentially a typo. We don't know. We would eventually need to go back to the applicant to see whether it was intentionally different or if it's a typo. So the actual codepoint is 9AAC. However, what we think is a typo is instead of 9AAC, they've written 99AC. So it could potentially be a typographical issue, but that would be something which would need to be investigated. And if it is a typographical issue, then this is really also zero, it's not really a divergence from root zone LGR.

And then the third example in the whole list we found was the example for application of catholic. Again, if we go to the detailed analysis for catholic, this is the original string and all the variants normally have this second to last character the same. The only variation is in these vowels in the beginning where some of them have diacritics or some of them don't.

But in the self-identified variant which was not generated by root zone, if you look at this second to last character, that actually is changed, which means that this is potentially also a spelling variation and it's not really actual variant which is being generated, at least from a perspective of root zone LGR. But that obviously is something which could be discussed and decided.

But in any case, we've then gone through all the applications. We found three cases. One which is Syria which seemed to be a spelling variation, but obviously, the applicant considers that as a variant. But from a root zone LGR perspective, that would be a spelling variation. The other one which we found is potentially a typo which needs to be, I guess, asked from the applicant or reconfirmed from the applicant. And the third one is also a potential spelling change rather than a variant.

We also calculated all the variants for not only the IDNs but all the different Latin labels, and of course, in the case of Latin labels, there's no self-identified variants, but we did all the country codes as well as all the gTLDs just for the completeness. And what we applied for Latin is the current Latin LGR suggestion which is in public comment. So it is not final version for Latin. But in any case, some were very interesting. For example, for a family company, there are 167 million variants being generated, but they're all blocked. And these are all cross-script variants. Normally some in-script variants as well.

So let me stop here and see if you have any questions, then we'll discuss the remaining data here.

DONNA AUSTIN: Thanks, Sarmad. Jeff.

JEFFREY NEUMAN: Thanks. We're just trying to put some significance around this data. At the end of the day, all of this are variants at the top level, and the only party that's "bound" by any of this is really just ICANN if it were to make additional delegations or if someone were to request a variant label at the top level.

So I think it's a lot more of an issue at the second level than it is at the top level, because at the end of the day, it's not really the applicant that's going to prevent the delegation of a variant string. The applicant may apply for a variant string, but at the end of the day, isn't it just more an issue for ICANN that's going to be doing the delegation?

DONNA AUSTIN: Jeff, I'm not sure I'm understanding your question, but perhaps if we can look at the question that this data is supposed to help us answer. For existing delegated gTLD labels, does the working group recommend using the root zone LGR as the sole source to calculate the variant labels and disposition values?

And I think the data that Sarmad has provided for me anyway, my takeaway is that if we decide as a group here that the root zone LGR is the sole source, that will not have any major consequence to existing gTLD operators. So that's my takeaway, but I'm not sure I'm understanding your question.

JEFFREY NEUMAN: It was really a question of—it's more on A2 than it is A1. And also, I think it wasn't directly the SubPro recommendation—or I'm forgetting what the SubPro actually recommended on this, but I thought it recommended that it would be the sole source. So again ...

DONNA AUSTIN: Right, but what we're talking about here is existing gTLD labels, not future.

JEFFREY NEUMAN: Right. But at the end of the day, what is the relevance—I mean, we didn't have a root zone LGR at the time that I'm assuming most of these were self-identified. So this is interesting, but I'm not sure what bearing it's got on our question, I guess is my question.

DONNA AUSTIN: I think now we have the data that can show us if there is any consequence to existing gTLDs for making the variants a sole source. So if the variants that had been identified by previous applicant support were seriously inconsistent with the root zone LGR, then this would be a difficult proposition, I think. But, so Sarmad, I saw your hand go up and then down. If you wanted to respond to that, I'd be happy to hear from you.

SARMAD HUSSAIN: Thank you, Donna. You said what I was going to say. I think the data was being asked by the working group to just reconfirm that

the root zone LGR and the self-identified variants are not significantly apart from each other. And that's just a reassurance in a way that root zone LGR is consistent with what the applicants and the community had expected and therefore, it's potentially okay to move forward with the root zone LGR even with the current TLDs. So the data was there to just see if there's any variants or not, as a data point. Thank you.

DONNA AUSTIN: Sarmad, just one question. So the data that you've gathered, did you look at potentially IDN labels that haven't been delegated yet?

SARMAD HUSSAIN: Yes, we looked at all the applications, and we went and actually checked and these are the only TLDs which are in the pipeline. So none of them are IDNs, but we have also included these in our list.

DONNA AUSTIN: Thanks, Sarmad. Michael, go ahead. Sorry to keep you waiting.

MICHAEL BAULAND: No, that's fine. I've got a new item, so it was good to close the first question first. Sarmad said that the ASCII TLDs of course have no self-identified variant labels. I think that's because if you applied for an ASCII TLD, you weren't allowed to put variant labels there even if you thought that there is a variant label, which is of course not an ASCII too but it's an IDN TLD. So I was wondering, do we have to consider the cases where TLD registry applied for an

ASCII label but they would have also liked to identify an IDN TLD but just were not allowed to do that?

DONNA AUSTIN: Dennis Tan, I'm going to put you on the spot for this one if you don't mind, because you were the drafter of the charter question.

DENNIS TAN: Thank you, Donna, and thank you, Michael, for the question. That's an interesting question. Yes, if I recall, how the application worked is if you have an applied for IDN label or you [inaudible] self-identified variants, if any, ASCII labels were not asked that question, therefore they could skip it.

Now, the question that you bring up to us is, do we want to [collect] those and check? I think that would be an interesting exercise, but the reasoning or the rationale of asking this data about these self-identified variants is what Sarmad and Donna concluded, is to look at whether the root zone LGR calculations deviated from those self-identified variants. And if there was significant deviation, then what this working group would need to do—in order to from an implementation standpoint, what needs to be done, noting that those self-identified variants did not have any legal—I take that back. That the applicants did not have any legal rights to the self-identified variants and were just for informational purposes.

That said though, I believe the self-identified variants were used during string similarity reviews and other processes. So there was a desire to have a complete view as to how these self-identified

variants were used, was there any deviation against the now root zone LGR, and what needs to be done in terms of for existing gTLDs that might want to apply for a variant TLD later on, how would that work, right? If there were any significant deviations, the process would need to account for that and other consideration as well. I hope I answered your question. Thank you.

DONNA AUSTIN: Thanks, Dennis. Michael, did you have a follow-up?

MICHAEL BAULAND: I'm asking this because I'm aware of at least one case where ASCII new gTLD would have liked to also get an IDN variant later on, but they were not allowed to put that self-identified variant, and now with the way we created the Latin LGR, they will not be allowed to have that variant because we considered the labels not to be variants. So they are slightly unhappy about that, that they will not be able to do that. And if they first had registered the IDN version, then they would have been allowed to at least put the self-identified variant into the application to make the ICANN world aware of the fact that they would consider those to be variants. And maybe there are more TLDs like that. I'm referring to .quebec, which is an ASCII-only TLD, but they would like to have the correct spelling, so to say, with an E with some acute or whatever it's called above. Thanks.

DENNIS TAN: Thank you. So I think you and I were both privy to the root zone LGR, the Latin script, and we know for example those categorized

things are not in a variant relationship. So I think what you're referring to—and that's why I made a point in the chat, when we're talking about variants here, we need to be clear that we are talking using the variant definition of the root zone LGR. But outside of the root zone LGR, the concept of variants—there is no standard.

As you well said, some languages adapt and they use ASCII only instead of using the local language spelling, just as a way to get over usability issues or whatnot. And we have seen during this exercise that Sarmad is providing to us that there might also be other instances in which when the applicant was asked for a variant, there was no variant definition, they came up with their own variant definition which was, for example, a spelling variant or spelling flavor of a string. So yeah, there's that. Thank you.

DONNA AUSTIN: Thanks, Dennis. Thanks, Michael, Satish.

SATISH BABU: Thanks, Donna. First, I'd like to thank Sarmad and Steve who've done this extensive work. It's very interesting to me. My question is whether these results would have been in any way different if a manual process were to be applied instead of the automated process. Thank you.

DONNA AUSTIN: Thanks, Satish. Edmon.

EDMON CHUNG: Thank you, Donna. Glad to rejoin this group kind of as Board liaison, but just to note that I'm speaking right now in my personal capacity, not representing the Board's view. But just responding on some of the discussions, I guess for Michael, I would encourage .quebec to submit their comments in the public comment process if they think that's something that should be included.

And thanks, Sarmad, for the presentation. I think it's very useful, and identifying some of the cases and noting that the cases are really alternative spelling cases and not really how generally we would define IDN variants. So I want to say I agree with Donna's conclusion, that based on the study, it seems like it's safe to assume that the root zone LGR is good to use for the existing applied for IDN TLDs. And the few cases where the self-identified ones could be considered as what the applicant wants but actually, they're not quite alternative spelling—they are alternative spelling and not, so to speak, IDN variants that is considered by the root zone LGR and therefore there are not supposed to be variants in that case. So the short comment is that I agree with you, Donna, on your conclusion. Thank you.

DONNA AUSTIN: Thanks, Edmon. We'll go to Jeff, and then I think we'll put a line under A2 and Sarmad can take us through the next data. Go ahead, Jeff.

JEFFREY NEUMAN: Yeah, again, I think at the end of the day, if we decide that the root zone LGR is going to be the authoritative source, then I'm still trying to figure out why there's an issue or why Michael identified an issue for .quebec, because if in fact it is a variant—which it may not be—then we adopt the same entity rule—which is another assumption—then I don't see .quebec as being prejudiced.

So at the end of the day, just because an applicant self-identified a variant, that's not binding on anybody. That's just kind of a question of interest at that point in time. So if an applicant either missed identifying variants—which apparently all of them did miss multiple variants—or whether they identified it, at the end of the day, when there are future delegations, what they self-identify doesn't really play into the decision. So I'm not sure why this is an issue. Thanks.

DONNA AUSTIN: Thanks, Jeff. And I think we will have some discussions as part of this group about treatment of [variants.] So what was assumed for 2012 may not become the policy. So I think that's something else that we need to keep in mind as well.

Okay, so with that, I think we've reached agreement on A1 that the root zone LGR will be the sole source to calculate variant labels and disposition labels.

SARMAD HUSSAIN: Donna, if I may, there are actually a couple other things I wanted to point out in this sheet before the working group concludes. I do

want to point out at least three cases here. There are these pair of labels which are in Bangla script. Both are ccTLDs for I guess India, which are potentially delegated as independent TLDs. They're not gTLDs, so I think it's not relevant to this discussion, but just FYI. Even though they are considered variants of each other. So this is the other case, where there are two strings which are delegated not as variants but root zone LGR is considering them as variant.

There's also the case of China and Chinese [type A.] Again, these are all examples from ccTLDs. We didn't find any examples from gTLDs. But just FYI in case you think this is relevant information. But before we conclude, let me also actually introduce these other columns. So there's this next layer of analysis. So we only looked at what was self-identified as a variant and then what root zone LGR calculated, but if you recall, root zone LGR calculates a variant with two different dispositions: one as allocatable and the other one as blocked.

So we also went and compared whether there are any differences in dispositions within the variant sets which are generally, I guess, more in agreement.

And one of the assumptions in the 2012 round, you would recall that the concept of allocatable versus blocked was not quite as formalized, and so we actually didn't have that distinction. So we assumed that all the self-identified variants are allocatable variants, because we don't know that that information is not in the application and we can't just go and ask the applicant. I guess we could, but that would take much more effort.

So we assume that all the initial variants which are identified are supposed to be allocatable, and based on that, we checked whether those also come up as allocatable variants from the root zone LGR calculation, and we went through that list and in that process, we did find some, I guess, discrepancies. And the reason for that, of course, is that the root zone LGR is very conservative as far as allocatable variants are concerned. Of course, following the SSAC advice as well which says that the variants which are activated should be obviously as small as possible.

So root zone LGR is very conservative means that it generates most of the variants as blocked, not as allocatable. And then assuming that all the self-identified variants are allocatable or were intended to be allocatable, we do see some differences between what root zone LGR—the disposition created for those variants by root zone LGR versus what was potentially intended by the applicants.

And similarly, we did a similar analysis for blocked where we said that none of the self-identified variants—unless somebody actually says that they don't want it in the application and we did find in some cases. And in all those cases, the blocked ones actually totally agreed, there were no issues. But in the case of allocatable ones, as you can see, all these red highlighted cells, these are deviations, again considering that the self-identified variants were intended to be allocatable. Let me stop here and hand it back to you. Thank you.

DONNA AUSTIN: Thanks, Sarmad. So with that additional information, does that change anybody's thinking about whether this working group would recommend using the root zone LGR as a sole source? Does anyone have any thoughts on this?

Sarmad, I think what this means is that some of the self-identified variants would not—if the root zone LGR is used moving forward for variants for gTLDs that already exist, that the variants that were self-identified actually won't be available because according to the root zone LGR, they're blocked.

SARMAD HUSSAIN: Yes, they won't be available. They wouldn't go to anybody else either, but they won't be available.

DONNA AUSTIN: Does anybody have any thoughts on whether this additional information would change our tentative recommendation? And Anil is noting that he thinks the root zone LGR should be the sole source. Okay, so I think we'll put this as a tentative recommendation and give folks some time to think about this. And we can come back to it next week if folks want to do that the week after as we won't be meeting next week.

Sarmad, is there anything else that you wanted to go through for A1?

SARMAD HUSSAIN: No, I think we're done with A1 and A2 [inaudible] data. Thank you.

DONNA AUSTIN: Okay. You'll go over the A2 question, won't you?

SARMAD HUSSAIN: So this actually data was for A2.

DONNA AUSTIN: A2 as well. Okay. Ariel, would you mind putting that A2 question up? I know you actually [inaudible] but so much has happened I didn't get a chance to get back to you. Ariel, would you mind reading through that just to give people a break from my voice?

ARIEL LIANG: No problem. So I'll just read the entire A2 text. Before the proposed RZ-LGR mechanism, applications for IDN gTLDs have asked the applicant to identify and list any variant labels. Basically, A2 is the self-identified variant question. Donna, I just want to make sure I'm reading the right one. A1 is about using RZ LGR for existing delegated gTLD labels. So would you like me to still read A2 text?

DONNA AUSTIN: A2, yes, please.

ARIEL LIANG: Okay. Before the proposed RZ-LGR mechanism, applications for IDN gTLDs have asked the applicant to identify and list any

variant labels based on their own calculations corresponding to the applied-for string. The self-identified variant labels do not have legal standing, as declaring variant strings is informative only and will not imply any right or claim to the declared variant strings. The TSG recommends that the self-identified variant labels which are also variant labels calculated by RZ-LGR will need to be assigned a variant disposition based on RZ-LGR calculation, as discussed in A1.

If some self-identified variant TLD labels by the former gTLD applicants are not found consistent with the calculation of the RZ-LGR, but have been used to certain extent—e.g., used to determine string contention sets—how should such labels be addressed in order to conform to the LGR Procedure and RZ-LGR calculations? Consider this question by taking into account the data to be collected in the data and metric requirements section of this charter. So that's what Sarmad just presented.

DONNA AUSTIN:

Thanks, Ariel. So, does anybody have any thoughts on this question? Sarmad, just to clarify, we've identified three variant labels that may be inconsistent with the root zone LGR, but we think that's primarily a spelling issue, and one of them was a ccTLD.

So, I guess I'm not understanding. In my mind, I don't think they've been used to any extent. Could you just clarify that for me? Or Dennis or Edmon.

DENNIS TAN:

Thank you, Donna. I think I just want to point you to Jeff's chat. The key here is the legal standing. I think the former applicants were advised that those self-identified variants did not have any legal standing so they would have no future claims to it. Those strings were just for informational purposes. So I think that's the fundamental basis for us making our decision making.

That said, when we were drafting the charter for this working group, it was brought to our attention that even though they were just for informational purposes, they were used in some fashion, for example, for string similarity review, and therefore the exercise that we're doing in order to explore what the root zone LGR calculations do to existing gTLDs [inaudible] get a more informed decision and potentially to make implementation guidance to develop any guidelines as to how to implement future processes for when now existing gTLDs want to apply for the variants that they are entitled to, then consider that any self-identified variants did not have—I'm just making assumptions here. What the potential process or implementation might look like, those self-identified variants did not have any legal standing, the root zone LGR is now the sole source and these are the ones that you are entitled to apply for in the future. Again, I'm just making assumptions here as to how a potential implementation guidance could be, but that's kind of the exercise that the charter drafting team intended for this working group to make.

DONNA AUSTIN:

Thanks, Dennis. Edmon.

EDMON CHUNG: Thank you. Just building on what Dennis said in response to your brief question is I think your understanding is correct. It basically shows that it's okay and it's no further considerations that we probably need to make. But that's what I'm reading.

DONNA AUSTIN: Okay. Thanks, Edmon and Dennis. So Sarmad, we don't have any data to suggest that any of these variants were used in certain processes like string contention sets.

SARMAD HUSSAIN: I guess these are the three examples which deviate there, and we can go back and check whether any of these three strings were used in a contention set. I obviously don't have that data at this time, but we can go back and check whether any of these three strings where the applications are disagreeing, whether they were using the contention set. Thank you.

DONNA AUSTIN: Thanks, Sarmad. It does seem very unlikely, as Edmon—so I think I agree with Edmon's conclusion. Jeff.

JEFFREY NEUMAN: Yeah, I was going to say one of the important principles from SubPro is that future delegations or applications for TLDs, whether they're variants or completely new gTLDs, that the rules apply to that specific round and are not retroactively applied.

So I'm not sure we need to require Sarmad to go back and do extensive research as to how it was used, because in essence, it's irrelevant to how it was used in the past because of the principle that we don't go back.

As long as in the future, we set a definitive rule, it doesn't necessarily matter that an old delegation may have been impacted by a new rule that we've set. And I think to make Sarmad go back and do the research is not really essential because of that principle. Yeah, if the research is easy, then great, then he can do it, but if it's going to require significant time, I don't think we should have him do it.

DONNA AUSTIN:

I tend to agree, Jeff. I'm not sure that there's much benefit in doing it. And [inaudible] Sarmad has to drop off, so if there's a quick and dirty way to do this—and I think by all means, but if not, I don't think we have to worry about it.

So Jeff, your statement about if we make new processes, it doesn't apply retrospectively, but I just would be interested to understand ... So what we're talking about here is existing gTLD applications from the 2012 round, and we may make policy here about the treatment of potential variants from the 2012 round, so I don't know whether you're saying that we shouldn't apply the new ... that we should be applying new rules to those, or whether they're retroactive, I'm not sure I understood.

JEFFREY NEUMAN: So we can't undo something that's already been done in the 2012 round. But those existing applicant support don't already have control or delegation of their variant TLDs. So by definition, if they want a variant TLD to be allocated to them, that is going to apply in the future. Therefore, the new rules apply to their subsequent new application, if that makes sense.

So it's not like what we're saying is that ... I'm not saying this clearly and I'm trying to ...

DONNA AUSTIN: Yeah, it's probably something to think about. I don't think we need to have a conversation around it are n. But there's as question in my mind that if there's a 2012 applicant for an IDN label and they were requesting variants at that time but that wasn't possible, whether that application is still in the 2012 round or whether it ends up in a future round for a variant. So that's what I'm unclear about. But anyway, we can all sleep on that and maybe it'll become clear as we work through the other questions.

Okay, so we're at the top of the hour. I think we can draw a line under A1, A2 and A3 which is fantastic. And thanks again to Sarmad and Pitinan for the data gathering that they've done. As I said, I thought it was going to be a pretty easy exercise, but it's been substantive and very helpful to the discussion we had today.

Thank you, everybody, again. We're going to have a break in transmission next week because of thanksgiving and then we'll be back on deck the week after that. So everyone in North America

have a safe and happy Thanksgiving. And to everybody else, enjoy the extra 90 minutes that you'll get back.

Thanks, everybody.

[END OF TRANSCRIPTION]