
ICANN Transcription

IDNs EPDP

Thursday, 02 June 2022 at 13:30 UTC

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP Call taking place on Thursday, 2 June, 2022 at 13:30 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone, could you please let yourselves be known now? We do have apologies from Joseph Yee.

All members and participants will be promoted to panelists for today's call. Members and participants, when using the chat, please select Everyone in order for everyone to see the 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 updates to share, please raise your hand or speak up now. If you

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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. 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. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior.

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

DONNA AUSTIN:

Thanks very much, Devan. Welcome, everybody, to today's call. We have a little bit to get through today, but just by way of some chair updates ... Ariel, do you have your calendar there? Okay.

So just so folks are aware, given that ICANN74 people will be traveling to The Hague, we recognize that that created some havoc sometimes with trying to attend meetings. So we have canceled the meeting for next week and we have canceled the meeting for the week following the ICANN meeting.

So we do have two sessions during ICANN74 that we hope everyone could attend. But just a reminder that Justine and I will not be in attendance for that meeting. So we will be doing our chairing responsibilities remotely. I do think that Ariel and Steve will be in the room with those that can attend the ICANN meeting.

So hopefully, that's okay with everybody and you're not too worried about having a week off before and a week after we get into ICANN74.

For ICANN74, we are going to get an update from our liaison to the ccPDP, Dennis Tan. We haven't had a real update since ICANN73, so Dennis is going to give us an update on what's going on with the IDN ccPDP.

We're getting an update from the small team that's working on the String Similarity Review. And then we'll get back into some of the charter questions.

So, we'll get a little bit more information to you during next week about what the agenda will be more formally, but just a reminder that we do have two sessions, one on the Monday and one on the Wednesday. And what's public, Ariel? The agenda for the sessions, or the meetings?

ARIEL LIANG:

Thanks, Donna. Yeah, I guess that Satish is asking whether the sessions at ICANN74 are closed. They're open public meetings.

DONNA AUSTIN:

Yeah. Sorry, I didn't see Satish's question. I was going to say the more, the merrier, but I don't think that's the case in The Hague. I think a reminder to all participants here to sign up for the session so that you can get into the room. So, hopefully none of you will be sitting outside observing, having gone all the way to The Hague.

So with that, I think we're ready to get into the substance for today unless folks have any questions about ICANN74 or anything else that we're doing. I'm sorry that I can't be there to meet and greet everybody. It would have been great to do that, but it's just personal circumstances mean that I can't.

Okay, I don't see any hands. So with that, Ariel, I think I hand it back to you.

ARIEL LIANG:

Thanks, Donna. So for today we're discussing a parking lot item related to E7, which is the catchall question regarding variants implication to the new gTLD application process. And this parking lot item is related to the evaluation of variants of gTLDs with restrictions. And I just want to show you what this exact text is about.

So the parking lot item is: Discuss the evaluation of variant labels of gTLDs with restrictions such as community-based TLDs, Brand TLDs, TLDs subject to Category 1 Safeguards, and gTLDs.

And I think most of you probably remember that the group already discussed another charter question, B5, which asks, "Do restrictions that apply to a TLD also applied to its variants?"

And when we discussed this question, the scope of discussion is regarding the principle for treatment of variants of such gTLDs. And these are the community-based TLDs, gTLDs, Brand TLDs, and Category 1 Safeguard TLDs. So, these are not the standard TLDs, per se, because they have different application questions or evaluation criteria. And there may be contractual requirements

that would be different from a standard TLD. Still, for B5 we're asking whether their variants should be treated the same.

After some deliberation, the team has come to the preliminary agreement that in the future new gTLD application processes, the primary applied-for gTLD and its variant labels requested by the applicant are to be treated as different versions of the same string and be bound by the same restrictions. So that's the preliminary agreement when the group discussed B5.

And I just want to note that when the group discussed this question, we didn't really discuss the implication of variants of the existing TLDs. We're only talking about the new gTLD application process, the future ones. So, that's the scope. So, that's a quick reminder.

Basically, even this group has reached this preliminary agreement. We didn't get to discuss the detailed evaluation aspect of the variants. So that's why we are coming back to this topic and then try to figure out, when evaluating the variants, are there any differences we need to make or any distinctions we need to make. So that's why we're coming back to this topic.

So the following few slides were just trying to provide some context before we jump into the discussion here. And this is some main points related to the evaluation of community-based TLDs. So these are the TLDs operated for the benefit of a clearly-delineated community. And in the 2012 rounds, when the applicant attempts to submit application for a community-based TLD, they're asked to submit written endorsements in support of the application.

And the applicants must also demonstrate an ongoing relationship with the clearly-delineated community and make sure that the gTLD string they applied for is strongly and specifically related to the community named in application. The applicant also needs to propose dedicated registration and use policies for registrants in this proposed gTLD. And again, they need to submit written endorsement from one or more established institution representing the community it has named in the application.

And also for community-based TLDs, the applicant has the opportunity to select the Community Priority Evaluation. So I guess that's in the event of contention with another applied-for TLD.

And then in the Priority Evaluation, the application will be scored against four criteria. And they're very much related to the previous criteria for the application we mentioned. The one is community establishment.

Second is the nexus between the proposed the string and community. And I just want to explain what that means. For example, it will score the highest, which is three, if the string matches the name of the community or is a well-known short form abbreviation of the community. And then score two will be if the string identifies the community but does not qualify for the highest score of three. And a score of one it if does not fulfill the requirements even for a score of two. That's the second aspect.

And then the third aspect is registration policies. And then the fourth is community endorsement.

So these are some general backgrounds of community-based TLDs and how they're being evaluated. And I want to quickly note that SubPro did review this community-based TLD evaluation and supports the overall approach used in the 2012 round. But it also proposed some recommendations and implementation guidance to enhance it. But I don't think there's anything that recommends completely different things for community-based TLD evaluation. So, that's a general background of community-based TLDs.

Going on, the next one is about GeoTLDs. So these are the TLDs denoting geographical, geopolitical, ethnic, social, or cultural representation. So in the 2012 rounds, applications for strings that are for countries or territories are not approved. But then there are four types of applications that can be considered as geographical names.

So one is the string that is a representation in any language of the capital city name of any country or territory listed in the ISO 3166-1 standard.

And then the second type is a city name where the applicant declares that it intends to use the gTLD for the purposes associated with the city name.

And the third type is any string that is an exact match of a sub-national place name, such as a country, province, or state listed in the ISO 3166-2 standard.

And the fourth type is a string listed as a UNESCO region or appearing on this "composition of macro geographical (continental) regions, geographical sub-regions, and selected

economic and other groupings” list. So these are the four types of applications that can be considered as geographic names.

And then in terms of application or evaluation criteria, the applicants must submit documentation of support or non-objection from the relevant governments or public authorities for the applied-for string. And also, all of the applications were evaluated by the geographic names panel. And that panel will determine whether the applied-for string represents a geographic name and also verifies the relevance and authenticity of the supporting document, [if it applies].

So this is the evaluation of geographic names in the 2012.

So for SubPro, we also discussed this topic and they actually have a Work Track 5 dedicated to this topic. And it recommends updating the GNSO policy to be consistent with the 2012 Applicant Guidebook, and maintains the applicant guidebook provisions for Subsequent Procedures.

So based on my understanding, it's also pretty much maintaining the general direction of the geographic names. And it's not proposing any very substantial changes to it, but happy to be corrected or supplemented if I'm wrong in this understanding. And I know there's some ongoing discussion with regard to geographic names, still, then the GNSO. So that's for this particular type.

And then the third type, Brand TLDs. There are the TLDs using a brand name and operated by a corporation that owns the brand. So, in the 2012 rounds the application for Brand TLDs must be accompanied by an accurate and complete copy of the applicable

trademark registration that forms the basis of this .Brand TLD qualification.

And then second, the application must include a copy of the registry operator's complete registration policies for the TLD. And in terms of ICANN's evaluation of Brand TLD applications, it will be guided by several criteria.

First is that the TLD string must be identical to the textual elements protectable under applicable law of the registered trademark valid under applicable law. So basically, it needs to be identical to the textural elements of a registered trademark.

And then second is that only the registry operator or its affiliates or trademark licensees are registrants of this .Brand TLD and then controls the DNS records associated with the domain names at any level in that .Brand TLD. And so, the criteria is that the TLD is not a generic string.

And then fourth, the registry operator has provided ICANN with an accurate and complete copy of such trademark registration. So that's something I mentioned earlier.

And then if ICANN determine that such TLD qualifies as a .Brand TLD, then the registry agreement must include Specification 13 which is specific for Brand TLDs.

And I think, based on my understanding and reading on SubPro reports, it's no substantial changes to the evaluation criteria, but it proposed some recommendations, for example, allowing that Brand TLD to change the applied-for string as a result of a contingent set under specific circumstances.

So there are some recommendations regarding that aspect, but there are no substantial changes compared to the 2012 round in terms of evaluating those .Brand TLD applications.

The fourth type for our discussion is the TLDs subject to Category 1 Safeguards. So these are the TLD deemed applicable to highly sensitive or regulated industries. And in the 2012 rounds, there's a New gTLD Program Committee (NGPC). It established the framework to apply additional safeguards to certain and new gTLD strings that were deemed applicable to highly sensitive or regulated industries. And those were highly influenced by the GAC advice in that aspect.

And then based on that framework, the strings falling into certain categories are required to adopt the relevant category's safeguards as contractually binding requirements in the Specification 11 of the registry agreement. And that's also called the mandatory Public Interest Commitments. In short it's called the PICs.

So some categories include the Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions, the Highly-Regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions, strings that have Potential for Cyber Bullying/Harassment, and the strings that have Inherently Governmental Functions. So these are the types of categories that require adoption for Category 1 Safeguards.

SubPro also affirms the framework established by the NGPC and affirms that the framework should continue to apply in subsequent procedures. And in addition, SubPro recommends establishing a

process to determine if an applied-for string falls into one of the four groups defined by this framework. In particular, an evaluation panel will be established for this purpose.

So basically, the criteria are not changed, but SubPro recommends establishing an evaluation panel for this purpose to determine such [kinds of] TLDs. So these are some general backgrounds of the TLDs with restrictions.

And then back to our discussion. We need to discuss the evaluation of the variant labels of such TLDs. And as you [called] earlier, the group has a preliminary agreement that all of these variants need to be treated as the different versions of the same string and be bound by the same restrictions. So we have some questions for the group to consider as a starting point.

So first, should each requested variant label be subject to the same evaluation process as the primary applied-for string?

And the second question is, should the variant labels meet the same criteria as the primary string in order to pass evaluation?

And the third question is, in the event where it is not possible for the variants to meet the same criteria as the primary string, how should such variant labels be treated?

So there is one example we could think of. For example, if a variant of a Brand TLD is not an identical match to a registered trademark. And the one I wrote below, *liantong*, which is Unicom. It's a Chinese brand. It has a registered trademark for the simplified Chinese, but then it has an allocatable variant in the

traditional Chinese, Unicom. How would that variant be treated if it's not an identical match to the registered trademark?

So, these are some questions, starting points for the group to consider. And I understand it's a lot of content, so I will stop here and see whether there are any questions/comments. Back to Donna.

DONNA AUSTIN:

Thanks, Ariel. I meant to mention at the start of this that we are in ICANN Prep Week, and as part of the GNSO Council update I did note that what we're doing here is complex and it's complicated. This question, in particular, that there could be differences among how we feel about evaluation for community-based TLDs versus brands versus Geos. So I expect this might be a bit of a challenging conversation to try to get our thoughts around how to deal with the evaluation of the primary string and its variants. So, interested to hear from folks whether they have initial thoughts on this.

One thing that strikes me is that ... And Jeff, you may be able to help out with this. I'm not sure, but it seems that we may need to provide some guidance here that the primary string and the variant strings that are applied for need to go through the evaluation process together rather than separately. We have noted that one application would be the way to go. Somebody who wants an IDN and variants will do that in the one application. And I think it doesn't really make sense through the evaluation process, that the primary TLD string and the variants don't go through that evaluation process together.

So, interested in folk's thoughts on that. What do we think about this? Maybe this is easy. Should each requested variant label be subject to the same evaluation process as the primary string? Do folks have thoughts on that?

Michael.

MICHAEL BAULAND: Thanks. I think they should. And also for the second question. I think, yes, they should meet the same criteria. And if it's not possible for them to meet the criteria, like the trademark restriction here, I would say that in that case, the variant will not be allocated to the person for the entity wanting to get that. Thanks.

DONNA AUSTIN: Thanks for that, Michael. So, really interested in just initial thoughts from folks. Or even if you have questions about the process and how this might actually work so that we can try to have a bit of a conversation around it.

It does strike me that for a community-based TLD, the variant has to take on the same kind of meaning as that is the primary. But I think ... I didn't know whether there's an outstanding question here, but we've ... Through our discussions, we've identified that when we think about this, we talked about the variant sets. The priority TLD and the variants. And that makes up a set.

So I think the aim here is to try to keep this together so that the evaluation process maintains that connection between the primary

gTLD and its variants, and then ensuring how that gets through the process. So this tricky. Really tricky.

Any thoughts, folks? Just put them out there. Let us know what you think. That would be great.

Edmon.

EDMON CHUNG:

Edmon here, speaking personal in capacity. I guess I'm still thinking through a number of things. But in general, I would say that in situations like this, for community specifically, it probably makes more sense the applied-for strings being the ones that are applied for in terms of the community requirements and so on.

And the variants. Sometimes, let's say, a community is probably using one particular form of their name primarily, and it sometimes might not be easy to satisfy the stringent rules as the entirety. But for the actual usage, because the usage as in typing in and accessing might happen to users outside of the community, the variant is probably important and useful. Whereas those within the community would be more aligned to one of, maybe, the applied-for string.

So I think we might need to think through that a little bit more. So I think generally, I would lean towards more of either the applied-for strings or at least one of the strings as those requirements applied for as a set rather than each string requiring to satisfy all of the requirements for that particular category [inaudible]. Hopefully, that makes sense.

DONNA AUSTIN: It makes sense to me, Edmon. Satish.

SATISH BABU: Thanks, Donna. Now this is very tricky, and my response may be somewhat not entirely appropriate because I lack depth in this particular topic. But I think we have established a few principles so far in this group's functioning. One is, of course, the [inaudible] of the Root Zone LGR. Another one is the Same Entity Constraint. A third is the [inaudible] Principle. And perhaps a [cross-cutting] concern would be of conservativeness.

Now, having adopted these principles, I think we have to follow through unless there are some very visibly contradictions that application of these principles lead us to. So from my perspective, I think we should apply the same rigorous methodology that we get to by using these principles. But I would have liked to see some more examples of all of these and some what if analysis as to what would be the consequences of applying these principles. Thank you.

DONNA AUSTIN: Thanks, Satish. In considering this question, I think we do ... I agree that we need to be mindful of those other principles we've established along the way in our discussions. And I think, to Edmon's point, perhaps the primary string is the one that is potentially the most important going through the evaluation processes. So maybe it is the primary string that has the main weight of the evaluation process. And it's the variants ...

You know, we consider these as a set, but the variant of the primary string may only need to be subject to a limited set of the evaluation processes. You know, Steve took us through, last week, some of the process for the new gTLD evaluation. And perhaps thinking about this question in that context: what is it that would add value to that process? What makes sense in terms of the [primary and the variants] for that evaluation process?

So I know it was a lot of information last week and it was a lot to take in as well, but one of the things we talked about is that Steve or Ariel or someone at some point would start to layer that diagram with parts of, you know, our recommendations and their applicability to the process. So maybe that's an exercise that we could undertake as well, considering the primary string and the variants and, I guess, Satish's principles.

We have acknowledged that this be considered as a set. So as we look at that set, taking it through the evaluation process, what would the primary string be required to be evaluated on? And what would the variants ...

Because it seems that there could be duplication. And in other cases, it could be, for string similarity notwithstanding that we haven't made a decision that, that it makes sense for each label to go through a String Similarity Review. But for other evaluation processes, it probably doesn't make sense for the primary and the two, three, or four variant labels to go through that same evaluation process.

Congratulations to the queen on her 70th anniversary in the UK, Nigel. So, congratulations on being a member of the Commonwealth. I understand it's a big deal.

So this is tricky, and it might take us a while to wrap our head around this a little bit.

Ariel, do you happen to have Steve's process chart for us from last week? I don't know whether this is going to add to our conversation or not.

ARIEL LIANG:

I can pull this up. Just one moment. Let me make sure I've got the right chart. Yeah, I've got it. Okay, one moment. It's on the screen.

DONNA AUSTIN:

Okay. Thanks, Ariel. I don't know if this helps people think this through, but this is largely the application process and some of the evaluation processes that the strings would have to go through. So if you think about how this would work for a primary gTLD and its variant sets that are part of one application, how would that work?

So for geographic names, for instance, does it make sense that the variant labels go through the same [rigor] of the geographic name evaluation? Or is it just the primary that's important? And I have to be honest. I don't know the detail of what that process would look like for geographic names, but that's just one example.

Maxim.

MAXIM ALZOBA: Speaking about geographic names, I consider it might be reasonable to use the usual process where the names compare to other names. The answer depends a lot on which particular variant of 1-3—which we tried to investigate a few previous meetings—is going to be used.

Because in situations with Level 3 [comparison], most probably nobody ever gets any geographic name because to have a support letter for a geo name, you have to jump in so many hoops, compared to get in some generic name which might be a variant of that city name, that it's just cannot be compared. It's not fair. Thanks.

DONNA AUSTIN: Thanks, Maxim. The letter of support requirement for a geographic name is an interesting part of the process, and I don't know whether it falls into the evaluation category. But certainly, it's a barrier. Barrier is the wrong word, but it's a requirement that if you want to use a geographic name as identified in the Applicant Guidebook, you do need a letter of support from the relevant government.

And I guess there's a question there for whether that requirement extends to the variant that has been identified for the geographic name as well. That's probably something that we need to provide some guidance on.

With the technical and operational capability, it seems to make sense that, well, I don't know. Does it make sense that it's just the

... See, this gets interesting. So is it the application that goes through the technical and operational capability requirement of the applicant, or is it the primary string and the variants? So this really does get complicated when you start looking at the evaluation process.

Maxim, is that a new hand or an old hand? Oh, okay.

So I don't know whether this has helped it all except to explain that this is really hard to do in the abstract. It also strikes me, to Satish's point about some other principles that we've agreed along the way, but also some of those preliminary recommendations that we have, particularly that a primary gTLD and its variants is one application. We expect, within that application, that the applicant will explain how the primary and the variants will work together, as I said.

And it seemed that becomes important in the technical and operational capability. So there's a lot of inter-related things. The financial capability. That's about the applicant more than it is about the strings, so you would think that would be not necessary to do that three times because there's a primary string and two variants. It would just be done once.

So I think we're looking at string similarity, and I think that will definitely be ... Well, yeah, it definitely will be something that the primary and the variants will need to go through individually, separately. DNS stability may be another one where we think the evaluation of the primary and the variant string need to go through that separately.

Michael, go ahead.

MICHAEL BAULAND: Yes, thanks. I'm thinking about the question about letter of support and whether this would only be needed for the primary string or for the variant. I think it should also be required for the variant for the reason that if some government or city or whatever ...

For example, the Berlin example from Maxim. If they authorized some entity to run the TLD .berlin, they may not have full control over that entity, and maybe they do not want the entity to just activate any kind of variants in their name.

So for that reason, I would say that the organization initially providing the letter of support should also provide another letter. Or, as Hadia said, in one letter they could provide this label, "And we also authorize the use of this and that variant." But they shouldn't be allowed to activate variants without the authorization of the initial entity. Thanks.

DONNA AUSTIN: Thanks, Michael. I do acknowledge that we are going a little bit off topic, and some might think we're going down a rabbit hole here. So I'll draw a line under the letter of support conversation for GeoNames, but I think it has identified that this is a bit of a catchall. So if this working group has thoughts on this, then certainly we can put those in some form of recommendation or guidance that comes out of this work.

Hadia.

HADIA ELMINIAWI: Thank you. I would support what Michael just said. But I raised my head in order to discuss .Brand. So a .Brand TLD basically get a .Brand because it's a registered trademark. But the variants, most probably, are not registered trademarks. So how does this impact the brand if the variants are not allocated? And how does it impact the community, actually, if we do allocate the variants to .Brands while they are not registered trademarks?

So I guess, I don't know. Do we need to hear different perspectives, or do we just need to decide what to do and go with it without listening to different perspectives? Thank you.

DONNA AUSTIN: Thanks, Hadia. I think what this conversation is highlighting is that each of these different categories of TLD have their own restrictions or requirements that are specific to whether it's community or brand or TLD. So we do need to tease these out of it, and I don't know ... We don't have an answer to your question, so that's what we need to sort out. Certainly, if we think we need additional expertise in an area, we can try to get that, as we have done previously.

But I guess we're the group that's been put together to develop the policy around these things, so it really is for us to decide and put them in a policy recommendation. But you're absolutely correct, Hadia, that the identical match of a trademark, how does that impact the variant label? So, how should that be treated? It's tricky.

Satish, do you want to talk a little bit about what you've put in chat?

SATISH BABU:

Thanks, Donna. So, we now realize that each of these groups have certain very specific conditions or criteria [or entry] conditions in order to get into the subsequent steps in the processing of the application. So right now we're trying to deal with the specifics plus the genetic treatment as [one] entity, which makes it complex.

So if we can separate this out, maybe separate out each of the specificities and then look at the common treatment that we do for all the remaining steps. And I think, there, the principles that we talked about earlier can apply. But perhaps not to the entry conditions which are very specific. Thank you.

DONNA AUSTIN:

Thanks, Satish. Very good point. So the previous slides that Ariel has taken us through do spell out some of those differences in the requirements. So we could look at those individually and apply these three questions.

So is there anything in particular that folks would like to focus on? We could go back to the community-based requirements or the brands or the Geos and see if we can just apply these questions to that category of TLD.

I'm very aware that the requirements around GeoTLDs was the work of a dedicated group, and a lot of effort and time went into

that. So I don't think it's our role to [unpick] any of the work that was done to come up with these restrictions or requirements. But certainly, there are elements of this when it comes to variants that we could provide clarity around.

We've talked about the [letter] requirement, and I think there's been a few suggestions that we might be able to insert into the process. We could have it as implementation guidance. So this is where ...

So, to Satish's point, we may have actually expanded this from evaluation process to, also, the application process. So in my mind, that's two distinct ... The application process is the start, and then once you've got that completeness check, you move into evaluation. I guess it's one continuum.

But I think, to Satish's point, we're also looking at that. What needs to go into the application to enable the evaluation? So that's something else that we could be providing guidance on as well.

So just having a look at last dot point on this slide that Ariel has in front of us so, it says that it all applications were evaluated by the Geographic Names Panel which determined whether each applied-for string represents a geographic name, and verified the relevance and authenticity of the supporting documentation.

So it may be, for a variant, that the primary string represents a geographic name—and maybe I'm wrong here—but the variant will be a variant of the string. But the variant may not, strictly speaking, represent a geographic name. Sarmad or anyone else, is that a possibility? It might be a slim possibility, but is it possible?

Sarmad.

SARMAD HUSSAIN:

Thank you, Donna. Yes, it is possible. So just to share an example, from an Arabic script perspective, if there is a city, for example in the Middle East or North Africa, and it is using Arabic language characters or character set, one of its variants actually may be the same string but in a character set used in another language outside of the Middle East, for example—not Arabic language.

And therefore, one could actually argue that the city's name as a Persian variant or an Urdu variant or a Pashto variant is not really a name of the city, per se, in Arabic language. But it may actually be needed from a usability perspective from outside the region. Thank you.

DONNA AUSTIN:

Thanks, Sarmad. Sorry, it seems that there might be some guidance we need to provide there. And it kind of goes back to the gTLD primary. And the variants are set, and it's the primary that would be more important here. But we do need to provide some guidance on how the variant is treated, it seems.

Maxim.

MAXIM ALZOBA:

Actually, that's the example I tried to use some meetings ago. In this particular case, a variant of some string is like an attempt to

have another variant of some strings. And I don't believe that real cities with citizens represented by governments should have the same weight as not even an applied string. But something like a reflection, a potential variant.

So with regards to Geos, in particular city names and region names, if someone claims that their variants are going to contest some city with support, I think it would be fair to require them to provide such the same level of support or non-objection for their variants to make a situation where some persons applied for a string just in attempt to blackmail effectively the governments of cities or get money out of them, effectively selling them the application via selling the legal entity applied for like we saw in some similar things, as we saw in the past.

And I don't think that our target is to create a situation where some third parties are going to get benefits and all of us are going to get a lot of pain. In particular, some governments and cities will never see their names. Thanks.

DONNA AUSTIN:

Thanks, Maxim. I think we'll ... Yeah, I take your point. I think we kind of need to assume here that people will submit an application in good faith. So that's the best that we can hope for, anyway.

Anil.

ANIL JAIN:

Thank you, Donna. I was just thinking that maybe a hypothetical case where, in a particular geopolitical territory, the same territory.

Say four people applied for the same geopolitical name but with a small difference in, maybe spellings, or the way it is spelled out. And interestingly, all of these four are also recommended by the government. So in that situation, are we going to say that only one new gTLD can be given to a particular territory or a geopolitical area? Or we can consider more than one [also]? Thank you.

DONNA AUSTIN:

Anil, I think that may not be a question for us. But I think it may have already been addressed in Subsequent Procedures, in the work done on GeoTLDs. But I wasn't as close to that as some others on this call, so I don't have an answer to the question. But may Edmon does. Or maybe somebody else does who was closer to the geographic names discussion.

Edmon.

EDMON CHUNG:

Not really specifically on that topic, so if you want to ask that ... I don't really actually have an answer to that. I was putting up my hand on a more generic question on the topic.

DONNA AUSTIN:

Go ahead with your generic question, Edmon.

EDMON CHUNG:

Okay. So, just thinking through that GeoNames, and obviously I'm more familiar with the Chinese situation. So let's say a city in China, mainland China, and they're using simplified Chinese. And

the government there, if you asked for a non-objection or a support letter, it might be politically sensitive to ask for a traditional Chinese version of the name and, say, they support it or have no objection to it. Likewise, if you look at Hong Kong or Taiwan, where you would want a simplified Chinese as a variant.

So I think we need to be mindful of that, simply, and not disenfranchise those cities whereby there is actually support. But the variant, maybe it's not appropriate for the government to actually come out and say anything for the variant. Whereas the variant themselves are going to be using ... Just as quite an easy example, the tourists from mainland China going to Taiwan city or vice versa.

So I think it seems to me to make much more sense that it's particularly the applied-for string rather than each particular allocatable variant or variant in itself requiring that kind of support or non-objection.

DONNA AUSTIN:

So Edmon, it's a fair point. But just a question back to you, I suppose. Those sensitivities would arise anyway if there's a possibility through the gTLD process that objections could be launched to certain strings. So it could be that those sensitivities arise in the course of the process anyway. Do you have any kind of view on whether ...

Because that raises another point, really. Doesn't it? With the processes the variant could be objected to. And if the primary has the support or non-objection, that's great. But if the variant ends

up with objection for the sensitivities that you've identified, then that's another little challenge along the way.

EDMON CHUNG:

If I understand the objection process, then it's under specific categories. Right? I mean, there are a few grounds that you can lodge objections against. I don't think that applies to what I was saying. Let's say a city in Taiwan. Right? They would use traditional Chinese as the main thing, and the government in that city would be using traditional Chinese. But I would assume that all of the tourists from mainland China visiting that city will probably be using the simplified version to access those websites that may be relevant to it. Right?

So by definition, they would need both versions. Whereas the government in the city might not be in a position to have an official document that's specifies the simplified Chinese version of the city. And if we go into the objection process, I don't see any ...

I'm not sure I understand how one of the grounds would cause this particular sensitivity because any of the grounds would take into consideration the variants themselves as a whole, not the support letter. The support letter is purely for the ICANN process itself.

DONNA AUSTIN:

Okay. A GAC early warning could be another potential process [inaudible]. But anyway, sorry. Getting a little bit into the weeds on this.

Maxim and then Hadia.

MAXIM ALZOBA:

I think we shouldn't conflate the applied-for city name supported by government and variants of the same name supported by government and just variants because those are quite different. If some particular city has some name which is supported by local government, it's a GeoName. If it has some variant in some language but it's not supported, or at least doesn't have a letter of non-objection from the same government, it is just a string. It has different weight. We shouldn't conflate it. Thanks.

DONNA AUSTIN:

Thanks, Maxim. Hadia.

HADIA ELMINIAWI:

Thank you. If I understand Edmon correct, and I'm not sure that I do, what he is referring to is a very unique situation where the government doesn't actually object to the variant, however it's not in a position to say yes or no. Again, I don't know how to treat such positions. So who is in the place to say yes or no? Who's in this position? If I do understand Edmon correct. Thank you.

DONNA AUSTIN:

Thanks, Hadia. I think some of the conversation we're having is that those sensitivities were probably discussed during the GeoTLD Working Group discussions. So our intention is not to [unpick] any of that, but we just need to work out whether there's

anything different in the process that might happen because of the variant labels. And the fact that we're treating ... From the perspective of this group, we treat the primary and the variants as a set. So it gets, yeah, tricky.

All right. Any other thoughts on this one? Maybe we'll go through the brands and just ... The question about if the variant is not a trademark, then how is that dealt with. And that's a really good question. And I don't know that we have an answer to that.

So is there anything in particular in the evaluation process that would need to be a consideration? It's almost like ... It's similar to the Geo in that it's a variant. It may not match the trademark, actually. It's probably not going to be identical to the trademark, but it is simply a variant of that.

So, any other thoughts on brands? Satish, do you want to expand a little bit on what you said in chat about "block the variants that are not trademarks"? I don't think I'm following [you].

SATISH BABU:

Right. Thanks, Donna. So if it is an unregistered trademark, then the applicant has no real right or there's no legitimacy to kind of ... The same entity constraint ... Although, you cannot allocate it because it's not registered, and it won't fulfill the initial conditions for this particular category. And we cannot also leave it open because if somebody else can register it, then that becomes a source of confusion.

And therefore, the only way I see that you can manage this thing is to block it, so that nobody else gets it. I'm not sure that's a tenable position, but just my thoughts. Thank you.

DONNA AUSTIN: Thanks, Satish. Nigel, did you want to speak to the comment that you have in chat? Perhaps not.

All right. What's our other category, Ariel? Community? It may be the easier of the three. I don't know. It's a little less black and white.

Oh, sorry, Nigel. Devan, Nigel said that he couldn't be heard. Is there anything we can do to assist with that?

DEVAN REED: I see that his mic is open on my end, but I can offer him a dial out. Nigel, if you would like to message me privately, I can dial out to you to connect you over the phone.

NIGEL HICKSON: Don't worry. [Can you hear me yet]?

DONNA AUSTIN: We hear you.

DEVAN REED: We can hear you now.

DONNA AUSTIN: It's a miracle.

NIGEL HICKSON: Well, please don't worry at all. What I said was not significant. It's just, I thought if we start discussing trademarks in relation to variants, I think all the processes apply. But this is complex, and perhaps I've misunderstood. Thank you.

DONNA AUSTIN: Thanks, Nigel. It's nice to hear your voice. So, Community for a minute. I think we're going to wrap this up because it seems that we may have to do a little bit more work on this to provide some more examples or drag some of this out. But, yeah, this is hard.

So, the community-based TLDs are a little bit less stringent, I suppose, in terms of requirements. And it is, I think, for the community-base TLDs, the main evaluation is Community Priority Evaluation. And that's an optional thing that the applicant can go through to establish the community. So again, the variant of the primary string may not strictly reflect what the community is. So how does that get into the process.

Anil?

ANIL JAIN: Thank you, Donna. I now want raise my concern about this scoring given as 3,2, 1. So what I'm saying is that once a string or a variant is approved by the community and the applicant has

demonstrated that the community has given the approval and it is a valid community and all of those things, how does the score matter?

Suppose a particular variant or string scored 1. Is there any possibility of disqualifying that? As compared to the variant which gets a score of 3. I personally feel that the score, what is recommended here, may not have [much value in] evaluation. Thank you.

DONNA AUSTIN:

Thanks, Anil. So the community based applications have the ability to trigger community priority evaluation if they find themselves in a contention set. And that's when the scoring comes into play. So there were a number of community priority evaluations in the previous 2012 round. And I can't recall the outcome, but I think some were afforded priority based on the community priority evaluation. And that effectively could take them out of the contention set so they can meet so the scoring that you're referring to is only applicable if the applicant is seeking to get out of a contention set by using the community priority evaluation.

So I think that the question for us is what's the relevant and the variant string in that community priority evaluation. But I think the principle that we have of it's a set when you apply for a primary gTLD and variants, it's considered one application, and it's a set. So it's whether there are some parts of the process where the variants would have to go through their own process. And I think we've identified that string similarity is going to be one of those,

but there are other parts of the evaluation where perhaps it doesn't make as much sense. But there will be differences depending on whether it's a geo or a brand or a community, and even the category one that we hadn't looked at.

So we only have eight minutes left, so I'm not going to drag this out unnecessarily. But we have had some useful initial discussion around this, but with everything when we're trying to get into process, it becomes very tricky. But I think we need to understand the process side in order to develop policy recommendation.

Alrighty, so just a reminder that we do not have a call next week. We have two meetings during ICANN 74. And unfortunately, Justine and I won't be with you, but I think Steve and Ariel will, and Emily. So you will see their lovely faces. Then we won't meet the week following and then will be back on track the week after that. Anil, go ahead, please.

ANIL JAIN:

Thank you, Donna. Is it possible for us to understand and get this information that in the round of 2012, in these specific areas like community-based TLDs, or geo TLDs, or brand-based TLD, whether ICANN faced any issue or contentious issue, in fact, when deciding about a particular string or a variant in the whole process. So that in case a specific issue has come in the knowledge of ICANN, then this working group can focus on those areas and give their recommendation in case it is possible to bring in the next one. TGy.

DONNA AUSTIN:

Yeah, thanks, Anil. So as Justine has put in chat, variants weren't allowed in the 2012 round. So that's why we're trying to develop the policy here now, for future rounds. So because it was complicated, the Board said that there would be no variants for 2012. And in these last 10 years or so, a lot of work has been done to set us up in this position so we can now consider the variants. So the root zone LGR didn't exist in 2012. So that's a significant body of work that Sarmad has led to get the root zone LGR up and running and in the shape that it is.

So unfortunately, we don't have anything to go on. So that's why this is a bit of a challenge for us in trying to sort through possible ramifications and how best to set policy that is implementable. And that is a challenge because of the dynamics we're dealing with with variants.

Okay, so with that, I think we'll call it a night as it is for me or early morning, and safe travels to everyone going to The Hague. I'm sure it will be nice to get back to some kind of normality in terms of the way ICANN does its business. So safe travels and be safe. I'll be there. Thanks, everybody. We will talk to you in two weeks.

DEVAN REED:

Thank you all for joining. Once again, this meeting is adjourned. I'll end the recording and disconnect all remaining lines. Everyone have a wonderful rest of your day.

[END OF TRANSCRIPTION]