
ICANN Transcription

IDNs EPDP

Thursday, 26 May 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, 26 May 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 have apologies from Emily Barabas, Michael Bauland, and Maxim Alzoba.

All members and participants will be promoted to panelists for today's call. Members and participants, when using live chat, please select everyone in order for everyone to see the chat. Observers will remain as attendee and will have view only chat access. Statements of Interest must be kept up to date. If anyone

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has updates to share, please raise your hand or speak up now. If you 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 page 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. Over to our chair, Donna Austin. Please begin.

DONNA AUSTIN:

Thanks, Devan. Welcome, everybody, to our call for today. I just wanted to take a minute to thank Justine and Ariel and Steve and the team for keeping this moving while I was out of pocket for a few weeks. I'm not sure I'll know how to drive but I'll give it my best shot today and see if I can pick it up again. So today we're going to continue discussion on string similarity. No, not string similarity. I've forgotten already. Have we got the agenda, please?

JUSTINE CHEW:

Strings ineligible for delegation.

DONNA AUSTIN:

Thank you, Justine. That's the word. Strings ineligible for delegation, which is part 2 of E5. And then we're going to begin discussion on charter question E7. Steve has put together a strawman process for us on that. So that might take a little bit of

brain space for everyone to follow that. But we think it's important to go through the strawman process to help us better understand what some of the implications of things might be or we're perhaps missing some things. So [inaudible] stick pulling that together.

We are working on the agenda for ICANN74. I hope that most of you have recognized that we have two sessions at ICANN74. Unfortunately, neither myself or Justine will be in person at the meeting. So we'll get to test the hybrid room and see how that works. But hopefully we won't lose too much in that fact that we're not there. I believe Steve and Ariel and Emily will be there. So at least we'll have some eyes in the room, so to speak.

I don't know that we have any direct clashes as far as the agenda goes. But if folks are aware of a clash that means they can't attend the IDN in person, it would be good to know that ahead of time. So if you can just send a note to Ariel and Steve and let them know, that would be helpful.

Okay. So with that, Ariel could I hand it over to you and we can continue the discussion on E5?

ARIEL LIANG:

Of course. Hello, everybody. So we're going back to E5 part 2 because there was some question whether discussion of string ineligible for delegation is within the remit of the GNSO Council. And then also there's some fact finding task for staff to find out the implementation status of the IGO PDP where those protected strings were identified. That's why we're coming back to this question today, and then staff can provide you some updates on

our fact finding. Then there's some suggested approach for the whole group to consider in addressing this question.

So first, just a reminder, the question has two parts. The first part is about the reserve string. That part has been dealt with and there's some preliminary agreement by the group that no variants will be added to the list of reserve strings, but the variants of the reserved strings will be blocked per se. No application is allowed for the variant of reserved strings. So that's the conclusion for part one. Then part two is should the strings ineligible for delegation be updated to include any possible variant labels? So we're dealing with the other category, the strings ineligible for delegation.

This is a context, also as a reminder for our discussion. First, let's just quickly go over the outcome of the IGO PDP. So that was the PDP that deals with these strings in particular. That PDP concluded in November 2013 and recommended to include a number of identifiers in the future version of the Applicant Guidebook as ineligible for delegation. So what it concludes is a very specific and finite list of identifiers that need to be granted protection on the basis of internationally recognized treaties. So these identifiers are not available to be applied as gTLDs. But there is exception procedure put in place for the relevant protected organizations to apply their respective strings. A fourth point we want to emphasize is these strings ineligible for delegation are not included in the string similarity process. So they're different from the reserved strings. So that's a quick recap of the outcome of that IGO PDP that deals with this specific issue.

The second part we want to report back is and what we found out in terms of the implementation of the recommendation of the IGO

PDP. So the Board already adopted it and it's moving for implementation. First is ICANN Org has not yet implemented the recommendations from IGO PDP at the top level because there's no new gTLD application rounds since the Board adoption of the IGO PDP final recommendations. Once the next round begins, the top-level-related recommendations will be integrated into the Applicant Guidebook. So the first part is top level hasn't been implemented, mainly because there's no new application round.

However, ICANN Org has implemented the recommendations from the IGO PDP for the second level. That was the list Steve shared with the team a while back. It was a webpage that published all the identifiers, full names far ranging from the International Olympic Committee to Red Cross, Red Crescent, and then other IGOs and INGOs. So that was implemented already for the second level. Because it's already being implemented for the second level, we more or less would know what the top-level identifiers will be based on how the second level looks like. I see Jeff has seen his hand up. I'm just wondering whether he has any immediate comment or I should keep going.

JEFF NEUMAN:

Just a quick comment. ICANN Org has only implemented part of the second level recommendations. Remember the GAC had asked ICANN Org to put parts of it on hold until the Curative Rights IGO PDP was completed. So, for example, the recommendation to release the acronyms for the IGOs has not been implemented yet.

ARIEL LIANG:

Got it. Thanks, Jeff, for the important clarification. So thank you for that. I see Steve also put in the chat there's a footnote in the Google Doc we shared a while back about this matter, and then there's a note about this as well. So thank you both for pointing out this important point.

Then the other part that I'd like to mention is the second level policy has existing process for change. So there's an existing change process for adding or deleting names from the identifier list. In summary, basically, there can be a notice from ICANN ... ICANN will need to consult with the GAC and GNSO in relation to the proposed change to the names on that identifier list. Also, the change process is a minimalist and relies on the mechanisms employed already by Red Cross, the IOC, and IGOs to account for any new or obsolete entities. So there is an existing change process for modifying the identifier list. These are some important point we want to mention in terms of implementation of the IGO PDP recommendations.

Now we're trying to do a refresh of our discussion so far. So these are some of the key points shared among EPDP members. There's one question that we tried to address. Should the protection be extended to the variant of the identifiers on the list of strings ineligible for delegation? So should the variants be also protected? So there are some supporting opinions and opposing opinions, and we try to summarize those opinions in this chart here.

On the left side, these are some of the reasons shared by members to extend the protection to variants. One is that some other applicants may be able to apply for these variants. And then it will prevent an IGO/INGO or the actual related organization from getting the variant of their own string. So there's a possibility there. And consequently, there's a possibility that the variant is allocated to an unrelated entity, and in that way, it would ultimately break the same entity principle and that's a significant change.

But then one other point is the principle of atomicity. Basically, if the primary string is being protected, then the variants also should be protected due to this principle. So these are some of the reasons for extending protection to the variants of these strings.

Then there's also reasons not to extend the protection to the variants. One is that the IGO PDP has already done tremendous work on this topic and they have identified specific setup identifiers and there's an existing change procedure to add or delete names from the list. In particular, this specific list of strings is limited to exact match based on international treaties. So in other words, the care for deliberation of the IGO PDP that took years to complete should not be modified. So that's one point of view.

Another point of view is that there are other measures in place that could potentially deter unrelated applicants from applying the variants of a protected string. So, for example, the GAC has the early warning opportunity, and then there's objection process. So these existing measures in the New gTLD Program could allow someone to detect the application of this variant from unrelated

entity and object to that application and prevent such string being delegated.

Then the third opinion is that the number of variants for some strings could be extraordinarily large. It can be millions because a string that can consist of many, many letters and that could unnecessarily add burden to the evaluation process.

So these are some of the reasons not to extend the protection to variants. At the same time, we're trying to figure out whether the group has jurisdiction of this issue, and then there's a question whether the GNSO Council needs to be consulted on this question. Also, there's another possibility that the GAC probably should be consulted as well to see whether they have any interesting figuring out the variant issue of this identifier list because they were a very important party in this topic. I see Jeff has his hand up. Is that a new hand?

JEFF NEUMAN: Yes. As soon as you reach the end of this part, yeah.

ARIEL LIANG: For this part, yes. But I haven't done with the slides yet for this question.

JEFF NEUMAN: Yeah. So continue with this. I didn't mean to interrupt. Sorry.

ARIEL LIANG:

Okay. Sure. Thank you. So this is a possible approach that some of the members suggested and staff and leadership team tried to summarize it. We want to see what the group's reaction is. So if for some compelling reason that the group really wants to develop a recommendation to deal with the variants of those strings, instead of just leaving it alone, there's a possible approach. Instead of adding any additional strings to the list, one is we can do something similar, like the reserved string is to prevent applications for all variant labels of the strings ineligible for delegation. But because it's a lot of strings that's being concerned, then it's probably pragmatic to generate that list. So basically, just link to a resource for calculating such variants. So that's one point.

Then the second point is the variants of those protected strings can only be applied for by the relevant organization and it has to be part of a set that includes the primary string on the list. So it cannot just be the relevant organization only applies for the variants. It needs to use that exception procedure to apply for the primary string, and then perhaps in the application can include variants of that primary string. That's the second point.

Then the third point is to make clear that preventing variants of the protected string is expressly not an extension of rights for the strings ineligible for delegation. So, make it very clear we're not extending rights of these strings. So these are some of the considerations for this approach if the group really decides to make a recommendation for variants of such strings.

Then we have some questions for consideration of this approach. First, would this approach be considered any different from the approach that we deal with the variants of the reserved names?

Then second, would this approach change any procedural steps? For example, do we need to check with the GNSO Council and the GAC? So that's maybe necessary if the names are added to the list. Then the third question we want to ask is, would it be considered providing any additional protection to the identifiers that may not otherwise be available via international law and treaties? And fourth is, do we think the risk is significant or likely enough that it warrants such approach, because this approach would potentially prevent application of millions of strings and it may be construed as providing additional rights to the protected strings? So these are some of the questions we want to ask the group in considering this approach. So this is the end of my part of presentation.

DONNA AUSTIN: Thanks, Ariel. Jeff, I guess we'll go to you first.

JEFF NEUMAN: Okay. Thank you. I have a couple questions. The first one is, well, can you go back to the slide that compares the proponents for it and against? Yeah, that one. Can you just define atomicity for me again? Because I'm slow and I don't understand what that means.

ARIEL LIANG: Yeah. Thanks, Jeff. This term wasn't invented by me. It's probably by Edmon. I think, yes, he's on the call. So maybe I'll defer to Edmon.

EDMON CHUNG: I'm happy to jump in. Edmon here speaking personally. I don't know if I invented the word, I don't think so. But in any case, the idea, basically, is that the whole concept of IDN variants is that the primary domain and all its variants is considered a atomic set, which you shouldn't be breaking apart. So whether it is, basically, delegation of two different variants should not be separate to two different entities or that the primary name versus a variant, whether it's blocked or allocatable or wherever status, should in many ways considered to be one particular domain. That's the idea. The whole point of variant mechanism is to consider all of the domains the same.

If you look back at the IETF and IAB directives for IDN invariants from the very beginning, the idea is that it was attempted to be included in the technical solution. However, the mapping of variants was not viewed as feasible or desirable in the technical sense, but it's left to the policy side to back them together to be the same. The best way and the worst way to understand it is like capital letters and small letters. You won't allocate a capital letter domain to one entity and a smaller domain to another entity, and the same thing should happen policy-wise for IDN applied-for string versus variant. That's the concept itself.

JEFF NEUMAN: Okay. Thanks. Thanks, Edmon. So I think that helps, because it's very much I guess a little bit like the second bullet there, right? I did want to talk about that one. So we have to remember that the IGO and the Red Cross names are not reserved for a particular entity. So even if the IGOs themselves applied for that string, according to the Guidebook at this point, they're not allowed to do

that. So I don't think it breaks the same entity rule because it's not like the original or the IGO entity is entitled to the string. Nobody's entitled to it. So I don't really see it as a same entity issue unless or until there's a new policy that says that the IGOs or INGOs could apply for those or the Red Cross, Red Crescent, Olympics, whatever, could apply for those. So I don't see it as a violation of the same entity rule at this point in time. It may be at some point in time.

DONNA AUSTIN: Jeff, just on that point. My understanding is that there is an exception procedure that not that it's been developed yet, but the policy recommendation was that there'd be an exception procedure so that the relevant IGO or INGO could actually apply for the string that's related to their organization.

JEFF NEUMAN: Is that just at the second level? I thought that was only the second level.

DONNA AUSTIN: I believe my advice here from Steve is that that's at the top level as well.

JEFF NEUMAN: Okay. But they can apply for it. I guess the question is then whether they would be entitled to it or just opens it up to anyone? Anyway, I think there's some still questions about that. But in

either case, I do think that—and this sort of relates to my next comment which is that it's okay to treat these differently than the other reserved names. I mean, it's treated differently currently as the reserved names, right? There's no string similarity review. There are differences in what is done with the Olympic and Red Cross names as opposed to the reserved names. So I think if we wanted to treat them differently, I don't see an issue with that.

Then with the question on whether we need to go to the Council and the GAC, I would say no because this is a PDP. So it's going to go to the Council through this PDP. We may want our liaison to update the Council to let them know that we're addressing this issue. But I don't think anything further than that because that's the point of a PDP is to pass this up to the Council for their consideration. And of course, we have GAC members in this PDP. So hopefully, they'll bring this issue back to them. And then hopefully, there'll be comments during the initial report, and of course, GAC can always provide advice. So I don't see a need that we need to go to the GNSO Council and GAC on the substance of these issues. We may want to inform them that we're doing these things but not necessarily on the substance.

Whatever we do in this situation, I know that we certainly expect the policy from the GNSO to be adopted and implemented. However we come out on this issue, we need to base it on the assumption that it is implemented in the current form, and that if anything were to happen where it's not implemented in the current form, we may need to revisit the issue. Because, again, the policy that the GNSO passed was like 2014 and the Board passed or approved it in 2015 but it still hasn't been implemented in a lot of

respects. So I think we need to be very specific in our recommendations that it's all predicated on those being formally implemented as stated.

But either way, I'm in the camp of not extending the protections to variants because of the fact that all these entities can add the variants to the list or a change process and we should put the onus on them to do that through the process that's already been designated, as opposed to just automatic protection because of how specific this PDP was and how every name was considered during that IGO PDP, and then the subsequent relaunch of the process with respect to the Red Cross, Red Crescent, and Olympic names. Thanks.

DONNA AUSTIN:

Jeff, can I just ask a question? So you say that all of the entities can add the variants through the change process. Maybe this isn't what you mean by that, but with that in mind, are you saying that—my understanding is that there will be an exception process developed that would allow an IGO or INGO to apply for its string that's on the list. But what you're saying seems to mean that if the variants aren't on the list then they can't apply for the variant. Is that what you're suggesting?

JEFF NEUMAN:

Sorry. No. I didn't mean to suggest that. What I meant is if you go to—was it on this slide or is it the previous slide, Ariel, where—yeah, there's a change. It's on the slide. There's a change procedure for the IGOs to add or remove names from the list of

protection. So the IGOs could add the variants to that list and get the same protection. Since they can do that anyway, the burden shouldn't be on us to have to account for every possible variant in the new TLD process. But the burden should be on the IGOs that have the protection to make sure that if there are variants that need protection, they put it on the list, as opposed to us doing it for them. So that's different, Donna, than they can apply for those. I'm not touching that as to what they can apply for. It's just what is protected.

DONNA AUSTIN: Okay. Hadia?

HADIA ELMINIAMI: I haven't been on the call from the very beginning, but let me tell you what I think about this. A variant belongs to the IGOs so they could be withheld to the same entity, which is the IGO. So the label and its variants could be held to the IGO. In that case, any other entity would not be able to apply for the variant of the IGO but it could apply for a label that is similar to the variant of the IGO, and thus could potentially in the future block the IGO from acquiring its variant. But in all cases, it will not get the variant of the IGO because of the withheld to the same entity principle. Thank you.

DONNA AUSTIN: Thanks, Hadia. Edmon?

EDMON CHUNG:

Thank you. I think I was just going to say exactly the same thing as Hadia did but maybe explain in a slightly different way. If someone is trying to apply for a variant of an IGO name, the current process should already have caught it. Because when you apply for something, the process would calculate all the variants. And if it has any overlap with reserved names or whatever, these names or whatever names, then it should trigger that it is conflicting with either an existing name or reserved names or string that's ineligible for delegation. We're not talking about visually similar or similar to the IGO strings. So those cases should already be covered by the current sense.

As Hadia says, but if you apply for something that's visually similar to a variant then that is a completely different thing. In those cases, yes, as Hadia mentioned. In those cases, if we decide not to deal with the string similarity situation, which is probably a right way to do it, then the acceptance of such a string would render in the future that the IGO might not be able to successfully apply for and get their name as a TLD. So I think that is probably the right way to think about it and as sort of explained in the next slide that was presented.

DONNA AUSTIN:

Thanks, Edmon. Jeff?

JEFF NEUMAN:

This is a big issue for me because none of the reserved names or those that are ineligible for delegation are reserved for a particular entity. That was very clear. And in fact, this came up a lot during

the country names discussion with SubPro and even the three-letter designations for countries that they are being blocked from delegation, not because the country has a right to those but because the policy is ... that everyone agree that they should just be blocked at this point in time. We have to stick to that.

If we start thinking that these are reserved for a particular entity then we're going down a path that was never in the policy and goes against the SubPro recommendations as well, which affirms the concept of ineligible for delegation as well as reserved. So we have to stop thinking about the notion that these are being reserved for a particular entity, they're being blocked. Like I said, Chris Disspain was very clear on this when he was on the Board, that the whole reason why we haven't developed a procedure, for example, for countries to get the three-letter designations is because, as Chris said, as the Board said, the difficulty here is that they're not reserved for the country, they're just being blocked. And until we have a policy that says it's being reserved for a specific entity, we can't make that assumption.

DONNA AUSTIN:

Jeff, isn't this somewhere in between? The list is identified because they're ineligible for delegation, but there is the ability to develop an exception procedure that would allow the relevant organization to apply for the string. So it's not strictly speaking a reservation as you've described. You're right, they're not reserved, but there's a nuance here in that they're ineligible for delegation. But there is an exception process where the relevant organization could apply for the string. So it's not really apples and apples here.

JEFF NEUMAN: Well, it is because in the sense that there's also nothing that says that if an exception is granted that they're the only ones that can apply for it. Now granted for some of those names, I don't think anyone else could really, from a trademark perspective, have rights to it, like the some of the full names, but some of them may have other entities that could and there's nothing right now that says that if ICANN grants the exception or allows an exemption process, that the policy then won't be that anyone that believes they have rights in that can apply, and then sort of duke it out in the normal process or maybe there'll be a process that favors the IGOs. We just don't know and I think that's the problem. Yes, there's an exception process. But the exception process is not developed yet and it is not definitively that only the IGO could apply for that string. So we got to be very careful in making an assumption that because there's an exception process, the only entity that can apply is in fact the IGO.

DONNA AUSTIN: Okay. So I would like to get a little bit more clarity on that from—actually, Steve has just put his hand up. Steve, if you can help us out here.

STEVE CHAN: Thanks, Donna. I'm trying to scramble here and try to find the precise language because I think it is actually only the relevant organization that is able to invoke that exception procedure.

JEFF NEUMAN: No, no. Sorry. That's not something I disputed. Let's say the IGO invokes the exception procedure, that doesn't mean that the policy can't be, "Okay. Now this string is open for application," and the IGO has indicated it wants to apply for it. We haven't come up with a process that says that the only one that can apply for it after the exemption is granted is the IGO itself. That's my distinction.

DONNA AUSTIN: Jeff, isn't that nonsensical to assume that it would be an organization other than the IGO that could apply for it? I mean, that would go away from the intent of the policy, wouldn't it?

JEFF NEUMAN: Not necessarily. Look, the Board was very clear on this.

DONNA AUSTIN: Sorry, but it just seems nonsensical to me to assume that if an IGO is seeking an exception to apply for the string itself, then that would open it up to anybody else.

JEFF NEUMAN: Who has rights, who may have rights. Sure, why not? Again, if I have to go back and find all of these, it came up as well with the country names that the whole point—and the Board wanted to be very clear that they're not recognizing any intellectual property or other kinds of rights in these strings. What they're doing is blocking it based on initially advice from the GAC, and then some policy development. I hear what you're saying, Donna, but the

Board has never approved that. Even though I agree with you, it seems logical but that's not what the policy says at this point.

DONNA AUSTIN: Okay. So my recollection to this is that the rights that you're talking about are related to the acronyms of the IGOs because they may not have the rights to the acronym. But I think where this list came from was it was based on—Steve, help me out here—but it was it was taken from some authority. So I think you're right in the acronyms of the IGOs, but I don't think you're right about the exact match of the string for the IGO or INGO, which is that larger list. But we'll take this back and see if we can get the clarity that we need on this. But let's keep moving.

JUSTINE CHEW: Donna, Edmon has got his hand up.

DONNA AUSTIN: Yeah. I was just getting to that. Thanks, Justine. Edmon, sorry,

EDMON CHUNG: I was going to continue on this just slightly, if I may. But if you want to cut off the discussion here, I'm happy to just not continue.

DONNA AUSTIN: Go ahead and make your point, Edmon, and then we can—

EDMON CHUNG: Just quickly, I think the good example is like WHO. Everyone uses that example so let's use that example. I think Jeff is right. WHO, when it comes along, if at some point they can apply for it, then that process should potentially allow competition as well, someone else to apply for .who could use it for some other purpose that does not conflict with WHO and there could be a competition. I think, that could be accepted and acknowledged in many ways.

But when we talk about the IDN variants, that's different. The point of the variant is that I actually don't know whether WHO has any variant in the Latin case, but let's put it probably for O, then that variant is also blocked. That's the point we want to talk about here. That has nothing to do with who has eligibility to apply for it. But once you put a particular string in a list, whatever you call it, that is blocked. Then naturally, its variants are blocked for other application because there is a relationship between the applied-for string in all variants. So that's, I think, the point.

DONNA AUSTIN: Right. So let's focus on the variant aspect of it and not get too hung up on the list itself. Steve, go ahead.

STEVE CHAN: Thanks, Donna. I'm trying to multitask here taking notes and also try to provide factual information if I can. I think you actually made an important point a moment ago, Donna. I think there's actually some confusion here about what we're talking about in this conversation or at least what we intend to be talking about, which is full names, not the acronyms. I think the acronym part is

actually complicating this discussion. It is strictly for the full names which are identified in the IGO PDP final report, full names, exact match, not the acronyms. Their acronyms right now are subject to temporary protections. Those temporary protections are dependent upon the outcomes of the IGO PDP that we're talking about now. And then also the curative rights aspect for IGOs as well, which, incidentally, is actually at the Council with the final report. So just to be very clear, this is the full names, not the acronyms that are on the ineligible for delegation list. Thanks.

DONNA AUSTIN:

Thanks, Steve. I think that's helpful clarification. All right. That clarification, can we have some discussion about how to treat the variants for those strings that are on the ineligible for delegation? Going back to the previous slides into these concerns about volume of strings with variants, and then there's the reasons not to extend this, one of the reasons is that there are other measures in place—the GAC early warning, GAC advice, objection process—that could deal with the possible situation of a variant of one of the strings being applied for by somebody else. So it's how do we thread this needle and come up with a solution that maintains the protection intended for the list of strings on that list but doesn't end up in potentially a policy that's difficult to implement just because of the large number of variants that we would be talking about. So if you could just go to the next slide, Ariel.

Some of the possible approaches that we identified is that you could prevent applications for all variant labels of the strings ineligible for delegation and provide a link to a resource for calculating the variants. So if you had the list of strings, and then

there's a resource to calculate the variants that people could go to so that they would potentially know whether the string that they're looking at is a variant of a string that is ineligible for delegation, that could be one option. The variants can only be applied for by the relevant organization. This is assuming that that procedure to allow for the organization to apply to the string that's related to their organization that they could apply for the variant as part of a set that includes a string that's on that list. Or make it clear that preventing variants of the strings ineligible for delegation is expressly not an expansion of the rights of the list to the strings ineligible for delegation. So that's one of the concerns about adding to the list of ineligible for delegation is that it may be an expansion of the rights that were intended when that list was drawn up, because that list was drawn up with specific criteria, so we may be going beyond what was intended by the original policy.

So they're just some ideas of how to thread the needle on this one. So we're interested to hear what folks think of those and whether any palatable or whether there's something that we can reach agreement on. I know that Jeff is opposed to having variants added to the strings ineligible for delegation list. It seems that Jerry, Edmon, and Hadia might have a different view and would prefer to see the variants blocked in some way, whether that would be considered recognition or an expansion of those rights of the list, that would be an interesting conversation. I'm interested to hear from folks what they think now based on the conversation that we've had. I would like to try to draw a line under this in the next 5 to 10 minutes because I do want to give Steve the opportunity to run through the strawman process related to E7.

Okay. So any further thoughts on this? We've managed to silence the room on this one. I think we did it with another question that we had. We might take this to the list, give people some time to think about these possible approaches and take it to the list and we'll formally seek feedback from the respective groups on this. I know it's a little bit hard to think about these things in real time, particularly when you're operating as a group. So I think what we'll do is take this to the list and see if we can get some further conversation there. All right. So with that, Ariel, Steve, are we in a position to move to E7?

ARIEL LIANG: Did you just unmute? I will defer to Steve.

STEVE CHAN: Thanks. Sorry, I need to cough. Thanks. I will try to walk us through this topic. I'll just preface this by saying probably I think it's a little early for us to have the full conversation here, but I think it's still good to tee up this conversation just so we have this in mind. So I say that this charter question is essentially sort of a catch-all to make sure that we do not forget elements of the New gTLD Program or other processes and procedures related to gTLDs that may be impacted by the variant label aspects of the conversation.

So this question talks about specifically the objection process, string similarity review, and string contention resolution, and other ICANN policies and procedures. It says, "Are there any other that may be impacted besides those one specifically mentioned here

and also referenced in the charter questions?” Like I said, this is really a catch-all to make sure that the group doesn’t miss something that might be impacted by the variant labels.

So just a tiny bit of background. Staff did some analysis of the program process for the New gTLD Program. It was actually in the context of a stand-alone process. That conversation is tabled for now as this group conducts outreach and surveys to the existing registry operators for Arabic and Chinese string labels. So that is indeed parked, and so that’s why we also didn’t share this process flow quite yet. However, we acknowledged at the time and realized that it would be useful for future usage like this where the group can see the totality of the New gTLD Program, and then it helps consider each of the individual parts of the program and the group can think through whether or not any of them may be impacted by the variant aspects but are not specifically accounted for in the charter. So I was going to go into the assumptions that we put into the process flow before we went to the process flow, but I see a hand from Jeff already.

JEFF NEUMAN:

Yeah, sorry. Can you just clarify this question only because you just said the new TLD process, but at the end it says, “All the ICANN consensus policies.” I don’t have a charter in front of me but does this include things like UDRP and transfer rules and all that kind of stuff, or is that completely separate?

STEVE CHAN:

Good question. Thanks, Jeff. So it does include those but I think it's important to recognize and I guess recall that the elements that you just raised like the UDRP and URS, those are in the future and they're captured specifically as charter questions. I think it's in Section F most likely. I think it's not immediately the next one but as the charter was originally drafted, it was expected to be next. But I don't think it's actually next.

Then also, I guess another example of things that are outside strictly the new gTLD process are things like the EBERO, which we had just talked about, too. So it is intend to be inclusive there of these other processes and procedures or policies and procedures, but for today we're looking specifically at the new gTLD process.

All right. Seeing no further question, Ariel, you can go to the next slide, please. One back. So it's important to have some context. When we developed this, we called it a strawman process flow, and it was really strawman in the context of that stand-alone round, like I said. But what we made sure to try to include to make sure there is clear understanding is a set of assumptions and purpose and a key to understand how to use the process flow. So we have the purpose here, which is I think I really just spoke to it, it's to understand the impact of things like reliance on the RZ-LGR. Those are the two main principles that this group has talked about and agreed upon. We're all talking about the implications to that. So the expectation is that the process flow helps us understand the implications of those two principal level agreements. So that's really the entirety of the process is really to understand the impact of the program elements.

So we have some assumptions here. We relied on the 2012 process flow, because for the most part, the SubPro recommendations are largely in line with that program. There are, of course, new elements. But for this process, we thought it was adequate to at least start, I guess, with the 2012 process flow. That kind of goes into the next assumption here, which is we recognize that the SubPro recommendations are still being evaluated in the ODP at this moment, but eventually the Board. So the process is of course subject to change, and then when we get visibility on those changes, we can actually start integrating them into the process flow so we have a better understanding of what the future program will look like. Then also, the last part is that the process flow is based on the current understands that this EPDP team, which is another reason that we consider the process flow as a living document. Sorry, Ariel, I know you're doing notes and doing slides now, but next slide, please.

So the last thing we'll talk about real quickly, before we go into the actual process flow itself, is just an explanation of what we've tried to identify in the process flow. So we've categorized the impact to the SubPro process in two ways. One is we've called it specific and the other is applicable. The difference that we are looking at here, at least in our minds, is that specific means that a New gTLD Program element, there are things that need to be changed or altered specifically on account of their being variant labels. The example that we think is probably pretty easy to understand is that relying on the RZ-LGR means that the application submission system will need to be altered to make sure that variants are accounted for. So there's specific things that need to be altered in the process to make sure that variants are accounted for properly.

Applicable means that the impact of variants is a little more minimal. There does not necessarily need to be specific changes made to the process, but the variants will still need to be accounted for and there'll be something that's taken into consideration but there does not need to be specific accommodations for.

An example that we thought of here is that for the completeness check, which is really just about making sure that the application submitted by the applicant, it has all required elements in the application once they click Submit. So what that means is that as ICANN Org is making sure that the application is complete, there'll be a couple of additional questions most likely as a result of variant labels. But the process overall, it doesn't change at all. It just makes sure that extra questions X, Y, and Z, they are also complete.

So hopefully that makes sense. And so what we've tried to do is we've applied this key of specific and applicable to every element of the process flow from 2012. I'll stop there for a moment and hopefully make a lot more sense once we see the actual process flow. But if you have any clarifying questions before we do that, please go ahead. All right, seeing none, Ariel, if you don't mind, I see you doing all kinds of things, notes, responding in chat, and also hopefully changing to the process flow.

All right. Can you can make it a tiny bit bigger? That'd be splendid. Thank you. So what we have here—and I'll preface again that this is not the end-all and be-all to this conversation. In at least the staff's mind, we think it's good to introduce this topic. It's going to be on our minds, I think, as we go throughout the rest of the

EPDP. So yeah, like I said, the expectation isn't to say, "Hey, we looked at this entire SubPro process and we know exactly what the impacts are." It's just I think to make sure that this is on our minds. We have some specific elements captured in the charter but we need to be also cognizant that we might have missed things in the charter establishment. And that's why this catch-all question exists in the first place.

What we're looking at now, like I said, is the 2012 round. And as we went through that key just a moment ago, you can actually see that we've applied the specific and applicable labels to each of the elements in the process. I guess, by way of example, you can see right away from the very beginning that submit application and system, we've identified this as there being specific elements impacted by this EPDP. This would include things like the reliance on the RZ-LGR algorithm. It would need to be integrated into the application system. There would be different application questions being asked of the applicant presumably to make sure that they identify the desired allocatable strings, they need to explain how they're going to be able to support them both technically and financially. That's what it refers to in variant-specific questions answered. So that's an example on that first box.

An example on the second box for Submit Application Fee is the preliminary recommendation from this group is that the primary string and allocatable variants that are desired, they're submitted as a single application. But the preliminary recommendation also notes that there can be incremental cost for the additional impact of having to review the variant-related strings. Those are two examples of specific impacts.

The example I had included about the completeness check, that one says applicable, where, at least from the staff assessment, it seems that there is just a minor accommodation for variants but not specific changes to the process that need to be made. Again, I'm going to stop here and see if this all makes sense so far, whether or not these categorizations makes sense. I can see a hand from Jeff. Go ahead, please.

JEFF NEUMAN:

Thanks. This makes sense from the ICANN perspective. I don't know if there's another chart where you incorporate all the other kinds of elements like public comments received, objections filed, those kinds of things. Because I do think they're very relevant.

This is the process as ICANN actually implements it. But actually, objections are higher up, because you got to file your objections most likely before ICANN finishes the evaluations. They're not heard until after it passes. Actually, no, they still can be heard while it's in the initial evaluation. I think it's just an ordering thing. But if we're going to be specific, I think, again, the objections that should be filed at the same time—sorry, I'm getting a little too detailed here. But just want to make sure the timing is consistent, too, as applicable.

STEVE CHAN:

Thanks, Jeff. That's actually a really good point. Full disclosure, this is a reproduction of the process flow that was captured in the Applicant Guidebook. Since ICANN Org doesn't actually have Visio, I had to recreate it in a different tool. I think some of the

elements that you just mentioned were not included for simplicity and cleanliness of this document. But nevertheless, I think it's actually a really important point and I think we need to include it. All the things you mentioned—so there's application comment, I think, following also to what you just mentioned, would probably be GAC early warning and advice, and then also the submission of objections. I think we can make sure we take another look at the process flow itself, and then also the overall process to make sure we're not missing some of these other external inputs to the overall process and timeline. Hopefully, that makes sense. We can make sure we add that.

All right, any other questions? Ariel, if you can scroll back up for a moment. I'll take a pause here and say that the intention isn't to go through every box here. Like I said, this is really a high level overview of the process and what we're trying to accomplish and just really put a pin down that we need to keep this in mind throughout. So I'm going to, I guess, maybe look at this a little bit from a future look after I just talk a little bit more about what we have in here.

Some of the other elements that require specific changes are here across the initial evaluation elements of the program. So things that are specifically identified in the charter include string similarity—actually, that's the only one here. But we've identified that as a result of RZ-LGR, the DNS stability process would likely be impacted because they will need to rely on the RZ-LGR to make sure that applied-for variants are not valid.

Another example would be the technical and operational capability and financial capability. We started at the very start of this process

flow I think recognizing that there would be additional questions being asked to make sure that the applicant is capable operationally and technically as well as financially to be able to support variants. So it carries, I think, that the evaluation elements would therefore need to include evaluation of those questions based on the variant labels that they may apply for.

Then I think, as Jeff has just noted in the chat, registry services for the variants would likely apply, because in many cases, they're going to be IDNs. And in the event, they have any additional registry services beyond IDNs, you would imagine that they would need to be evaluated against the variants as well as the primary label.

We could go on and go through each of these individual elements. There's also the objection ones recognized. There's also an impact on contracting where we've talked about the Registry Agreement being a single agreement and then some provision to allow for the inclusion of the variants in that same agreement. We have the string contention resolution elements at the bottom. Those are on hold as the small team works on the string similarity processes. We want to make sure we have a clear handle as a group on how we want to handle the level one, level two, level three aspects before we get into how we actually resolve string contention.

Again, this is just really an introduction to what this process flow is. The origins of why we did it and created it was, like I said, for the stand-alone process, but we knew it can be helpful for evaluating the overall process as well for inclusion in the future rounds.

Then the last thing that I want to mention before I really just open this up for conversation and hand it back to Donna is that one of the future steps that we want to do here, and it actually stems from something we did in the EPDP on the IGOs, actually, is to basically tag the recommendations, or I guess, in this case, preliminary recommendations that the group has come up with and actually assign them to the steps in the process. There's obviously a lot of benefits to that. You get a bigger picture understanding of where the recommendations that this group is preliminarily agreeing on, where they apply in the process, which is, of course, helpful context. And then it also helps for the task at hand to see that maybe the group hasn't adequately considered this aspect of the program. We don't see any preliminary recommendations. Maybe we actually think there are. As a future state, that's one of the things that we want to do, is actually start building in the recommendations into this process flow so you can see where they apply in process. I'll stop there and turn over back to Donna, hopefully. Thanks.

DONNA AUSTIN: Thanks, Steve. Jeff?

JEFF NEUMAN: Thanks, Steve. This is really helpful. Justine and I were going a little bit of back and forth on the chat that we may need to update it with some of the processes that were proposed by SubPro. For example, there's a pre-evaluation process for backend providers, in theory. If that gets implemented, are there certain things that should be checked at that stage from our recommendations? So

we need to incorporate things like that into this because I think we have to assume the SubPro recommendations are going to be adopted just because it would help us cover anything that is potentially new that wasn't in the previous round. So, registry backend pre-evaluation. I don't know how Applicant Support fits in here at all, to be honest. I'm not sure what else there is from SubPro, but we might want to just take a quick look to see how things might be modified by the newer proposals. Thanks.

DONNA AUSTIN:

Thanks, Jeff. I think that makes sense. We can flag it with the disclaimer that the recommendations by SubPro haven't been approved by the Board, but we are assuming, for all intents and purposes, they will be. And that's reason to include it in this chart. Hadia?

HADIA ELMINIAWI:

Thank you. I wanted to ask, are we going to get into the specifics of the relevant boxes, like the specific applicable boxes? For example, when we talk about technical capabilities and financial capabilities, are we going to decide, for example, are we looking for financial capabilities to support the initial label and all applied-for variants or financial capability and technical operation capability for the initial label and all variants, whether applied-for or not? Are we going to get into the specifics of the boxes?

DONNA AUSTIN:

Steve, correct me if I'm wrong, but I think when we start to layer this with some of our preliminary recommendations, then we may

see an expansion of what's in the boxes as it relates to the work that we're doing here. Steve, is that accurate? Feel free to say no. I'm way off pace.

STEVE CHAN:

No, I think you are spot-on. I think once we layer in that next step of the preliminary recommendations, I think this is actually a much more illuminating discussion. Then we have a lot more context than we do now. From the staff perspective, we didn't expect this to be a fulsome discussion, really, of this charter question. It was, I think, an introduction to what we're doing in the background while we're doing it. Then the comments from Jeff and others is helpful context, we can make it better. Then of course, the one thing that we had identified ourselves to make it better is that layer in the recommendations, I think this can be huge, actually. Then I think that's when we could actually have the specific dives into the boxes to make sure that things feel like we're covering everything fully. Thanks.

DONNA AUSTIN:

Thanks, Steve. I noticed in chat that Satish asked if it's possible to number the boxes in some way. I know that was really helpful in the early days when Ariel took us through a couple of process related slide decks. I know there's a lot more numbers that you'd have to come up with here, but perhaps that's something we could look at as well.

JUSTINE CHEW: I'm sure the staff would be able to rip up something that isn't going to assault our senses with too many numbers and colors and whatnot.

DONNA AUSTIN: Some subtle additions to make it easier to refer to the various boxes I think will be helpful. Okay. So any other comments on what Steve has taken us through? It's pleasing to hear that there is utility in what Steve has been pulling together, so that in itself is good feedback. Justine?

JUSTINE CHEW: I wanted to just pose a challenge to staff as well. Maybe you want to use in different color coding for this, which is that we know that we have a bunch of preliminary recommendations that we can interlace onto the chart. But if there is also the possibility of just marking the boxes where the rest of the charter questions may apply or may impact, that will be helpful. But I'm not going to hold staff to it. I'm just asking whether that's possible. An attempt could be looked into to do that as well. Thanks.

DONNA AUSTIN: Thanks, Justine. Ariel is saying that they will look into it. Okay. Can we just switch back to the question? We've only got a few minutes left. I think we're probably—the best here might be to just wrap this up. Jeff?

JEFF NEUMAN: On this one—I put this up higher in the chat—is just if someone can just double check that each of the consensus policies have other questions, because we’ve interpreted this question as only applying to the new gTLD process, and I know we have separate ones for UDRP and for transfers, but if someone could just do a check on the other ones. I don’t know how the other ones would apply. Ariel says she’ll look into it. Wait, that was from previous question. Sorry. I just want to make sure we don’t miss any consensus policy.

DONNA AUSTIN: Thanks, Jeff. Okay. Is there any other thoughts on ways to improve what Steve has laid out for us? I’m sure it’s going to be iterative. We’ll bring it back to the group from time to time. I think it’s going to be really helpful for us when we start looking at the recommendations and trying to bring together the initial report. So I think there’s a number of different parts of this process that Steve has laid out for us, it’s going to be helpful. Okay. I’m not seeing any—Jeff?

JEFF NEUMAN: Some of the other questions I was thinking about that I’m not sure were covered are things like—I put one of them in the chat—how does the addition of a variant at second level interact with the add grace period? If the name is in the RGP, the redemption grace period, does that mean all the blocks are in the redemption grace period? Can a registrant just restore one without restoring all of the variants? I think there are some questions that I don’t remember seeing in the charter. Maybe Dennis knows better. But

are those the types of things that we need to look into as well?
Sorry, Dennis, I put you on the spot and you might not be listening
so that's okay.

DENNIS TAN TANAKA: No, that's okay. Off the top of my head, I don't recall having a
question as specific as add grace period, but we do have a catch-
all. So I think we can capture those there.

JEFF NEUMAN: There's the add grace, there's the redemption grace. Like I was
just saying, if the whole bundle, let's say, goes into a redemption
grace period and the registrant wants to restore, does it have to
restore all of them together or can it just restore one without the
other? Does it have to be the primary string that has to be
restored? Those kinds of things.

DENNIS TAN TANAKA: Absolutely. I mean, you bring good points and I think this is going
to be a good conversation. I would just anticipate that the life cycle
of variant domain names and the second level set, there are going
to be certain updates or management [inaudible] aren't going to
be independent. I mean, if you delete anything, you don't have to
delete all of them. It will depend. You bring good points and I'm
sure we'll have good conversations on those.

JEFF NEUMAN: Great, cool. Thanks.

DONNA AUSTIN: Okay, Ariel. It looks like a lot of those things may be covered in D4, Jeff. So I think it is the intention that we'll get to those things. All right. We're at time. Thanks, everybody, for the conversation today with E5 part 2. We'll get something on the list and see if we can find a path forward to some kind of recommendation to resolve that problem. Thanks, everybody, and we will see you again next week.

ARIEL LIANG: Thank you all for joining. Once again, this meeting is adjourned. I'll end the recording and disconnect all remaining lines. Have a great rest of your day.

[END OF TRANSCRIPTION]