
ICANN Transcription

IDNs EPDP

Thursday, 02 February 2023 at 13:00 UTC

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the IDN-EPDP call, taking place on Thursday, 2nd February, 2023, at 13:00 UTC. We do have apologies from Emily Barabas from staff, and Michael Bauland will be leaving early. 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 and so it is captured in the recording.

Observers will remain as an attendee and will have view only chat access. Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. If you need assistance updating your statements of interest, please email the GNSO Secretariat. All documentation and

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information can be found on IDN-EPDP wiki space. Recording will be posted 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. And welcome everybody to this week's call. Just a reminder for folks that Ariel sent around text for review two weeks ago, and that's due tomorrow. I haven't seen anything on the mailing list. But if folks need some extra time to consider that, it would be helpful to know now so that we can just to set our expectations about when we will receive some feedback on that. Ariel is listening in today, but Steve will be driving today. And as you heard, Emily is not with us either, but we have Marika joining to take the notes. So we are certainly well supported, and we are grateful for that.

I don't think I have anything. The only other update is just a reminder that we won't be meeting next week due to ICANN org having an all hands meeting next week. So we have next week off. Oh, I'm just getting a nudge from Ariel. So we will be having webinar with the GAC on February 15th at UTC 11:00. This is something that we discussed with Nigel and Manal some time ago, I think, about whether there would be value in providing some kind of update to the GAC on our work and what we hope to achieve by it.

So a bit of background into what we're doing and also our progress to date. So we've finally found a suitable time to be able to do that. So we'll do that on the 15th of February. So we will send around information closer to the time. But everybody from this group is certainly welcome to join that. So just a heads up again that that's February 15 at 11:00 UTC. Okay. So with that, Steve, are you good to go?

STEVE CHAN: Right now, sure.

DONNA AUSTIN: Okay. So hand it over to Steve. So we're going to continue our review of the ICANN org input that we started last week. So we hopefully will get through the rest of it today. Okay, over to you, thanks Steve.

STEVE CHAN: Thanks, Donna. This is Steve. Like Donna noted, Ariel is out sick today, so wishing her well, because I would love for her to take this feedback, so you're stuck with me today. But, like, the trooper she is, she's listening, of course. So with that, what I wanted to do is-- I know we made our way through probably about half of the input, but I thought it might be helpful to at least take stock and provide an assessment, I guess, of where we are at this point starting from the very beginning. So the first part of this review should go pretty quickly, though.

So with that what we started with last week was going over the elements that the staff team and the leadership team believed were non substantive pieces of input from the org team. Where we could take away the input and make red lines to the document so that that part is in progress. The team agreed that we could go ahead and try to effectuate these changes. And of course, everyone would get a chance to review the red lines. So that's the really quick update on the non-substantive input from org. And that constitutes first two slides, I think.

So the next part, for this question, we didn't actually get resolution, but my assessment and I guess summary of where we ended up was that, first, there was an agreement to take to the list, but there seemed to be a general sentiment that the best practices that are talked about in this recommendation, they may not be ready from a practical perspective before the round launches. And more practically it might be that those best practices are really only known after the next round and registries have had an opportunity to operate the gTLD and their variance.

So a little bit of context about the recommendation from this group or I guess draft recommendation is that these best practices were envisioned because there is the potential for applicants to better ensure their success given the group is intending to recommend that there is no limit on how many variants can be requested and delegated.

So in that respect, the evaluation criteria, I guess, just one other piece of context is that there is a draft recommendation from this group that it talks about the development of criteria that the applicants must pass and that's recommendation 2.6. And that

talks about the reason that the applicant wants the variance. And it also talks about the applicant demonstrating its ability to operate and manage a variance.

And so the purpose is to ensure that applicants are capable of operating the gTLD, its primary gTLD, and also its variance. And I guess maybe a staff observation is that this element of requiring applicants to demonstrate both need and capability for their variance, it seems to actually go some way towards the same purpose of this best practice guidelines.

So just an observation from the staff side that the purpose of this recommendation may actually be covered by a different recommendation. And considering the difficulty and actually getting the best practice guidelines developed in advance of the round, perhaps may be the purpose of this recommendation is actually covered elsewhere, and this recommendation is maybe not as useful at this juncture. So I'll stop there. I know we didn't actually complete the discussion here on and there was an agreement to take the list, but there wasn't actually discussion on the list. I'll pause for a moment to see if there's any discussion on this one.

DONNA AUSTIN:

Thanks, Steve. So we did have a bit of a conversation about this at the leadership level after the call last week, and I'm trying to bring my memory into gihi, but I think we discussed that maybe we should recast this. I think best practice guidelines has its set of challenges, and maybe that's not what we're intending to do. And I think during the call last week, I think Justine may have

suggested that rather than best practice guidelines, perhaps what we could do is recommend that a framework be developed although the recommendation be around the IRT developing a framework for best practice as it relates to the operation of IDN gTLD and its variant labels by registries and registrars.

So rather than a recommendation of our best practice guidelines with the expectation that they'd be developed, perhaps we could reframe this or rephrase this so that the recommendation is more about the development of a framework for what a best practice guideline would look like. And that would be something that the IRT should be able to do. I don't know how folks feel about that, whether that's something that seems palatable or whether folks wed to the idea of a best practice guideline. So it would be good to get some better understanding from folks about that suggestion. Maxim.

MAXIM ALZOBA: Maxim Alzoba for the record. Do you hear me?

DONNA AUSTIN: Yes. We do.

MAXIM ALZOBA: I think since the practice is established by those who operate TLDs and registered domains, I believe that best practice should be established by registries and registrars. All other parties, they do not participate in these operations. Thanks.

DONNA AUSTIN: Thanks, Maxim. Thoughts from anyone else? Okay. So I don't see any hands. Justine go ahead.

JUSTINE CHEW: Thanks, Donna. This is Justine for the record. From my recollection, I think we talked about having stakeholders participate in the forming of these guidelines and stakeholders, as far as I remember, also includes registrants. I could be wrong, but that's what my recollection tells me. Thanks.

DONNA AUSTIN: Thanks, Justine. Maxim, is that an old hand or a new hand? Okay. Go ahead, Maxim.

MAXIM ALZOBA: Maxim Alzoba for the record. Actually, the names are operated in a top-down manner. The upper layer effectively says what is going to be done and how it's going to be done. If any layer below disagrees, they are free to terminate the agreements and quit. So the registrants they ask to register. They do not participate in durations, and they do not disturb this practiced because it is a top-down manner of operations. So the experience is experience, but it has nothing to do with the practice. Thanks.

DONNA AUSTIN: Okay. Thanks, Maxim. So, as Steve said, the idea was that we put this to the list, but we didn't have any engagement on this. So,

I guess, we'll take another shot at it, and we'll see where we get to. But perhaps this time, we'll come up with some different language for the recommendation, more around the framework than the best practice guidelines. Okay, Steve, let's keep moving.

STEVE CHAN:

Thanks, Donna. This is Steve again. So moving on to the next recommendation and piece of org input that we already discussed last week. So the recommendation itself is it regards the various label statuses or label states. And the input, and I guess, question from the org team was about the maintenance of the label states and whether or not there needs to be a list maintained. So I believe where this group ended up is that, yes, they believe that the label states need to be tracked by ICANN. And then in addition, the group agreed that, ideally, this list would be made public for all to be able to see.

One thing that was also noted is that as part of that, maybe it could be recommendation or implementation guidance, I suppose, that the rationale would be needed for why it needs to be made public, despite there being broad support experts. Just from the perspective of maintaining the list it's going to require some cost and investment from ICANN, so therefore, there should be a solid rationale for why it needs to be published. So that is, I think, where things ended up. Yes, there should be a list maintained by org. And in addition, it should be made public. I'll stop again and see if there's any input.

DONNA AUSTIN: I think we can keep moving, Steve.

STEVE CHAN: All right. Thanks. So this next one is actually where we ended up. I think we stopped on this one in. And in fact, I think it's because we got a little bit tripped up in the question. So the question here is again about the label states, but it's also about the transitions that various labels would go through in their life cycle. And so the question from org was really about what happens when actually, it's the primary label in this case gets revoked. The question is about if the primary label is revoked, would ICANN org still need to track the variant label states?

And so part of why this group I think got tripped up was because it was unclear what revoked meant in this context. So we checked in with our org colleagues and we determined a better word for revoked is undelegated. And what it implies and means really is that the primary label was delegated and then it became undelegated.

And so the question is really then about boiling down to if that primary label was delegated and undelegated, there's sort of presumption that the variant labels, the registry operator can't continue to operate unless the primary label has become undelegated. And therefore, ICANN org is asking whether or not they just need to continue to track the label states of the variance given that it seems that the set has essentially been dissolved.

So there's a couple slides on this that hopefully will help walk us through if we need the additional prompts. But that's my high level

summary of what tripped up the group and trying to distill the question into something maybe a little more understandable given that there is a little struggle with the word revoked. So hopefully, the switch of the word from revoked to undelegated makes it a clear question. So I see a couple of hands already. But I'll turn it over back to Donna if you want to run the queue. Thanks.

DONNA AUSTIN: Thanks, Steve. So Maxim, then Edmon.

MAXIM ALZOBA: Maxim Alzoba for the record. I think if the primary label is not used, it should return to the same entity for the following reason. The set of variances is still the set of variances. Because it's relationship between tables, not TLDs. And if primary is not used, it's just not used, not necessarily set fell apart and is not set anymore. Thanks.

DONNA AUSTIN: Thanks, Maxim. Edmon.

EDMON CHUNG: Yeah. Edmon here speaking personally. I think this is an interesting thing. Well, first of all, in terms of, obviously, if the primary TLD is there, then the statuses should be kept, and that's not a concern. But if the primary needs to be revoked, the question is whether the entire set needs to be revoked in some

sense. So I think this needs to open up a bigger discussion in terms of, it's almost kind of like a redelegation.

And what we need to think about is what might trigger this type of situation? Is it an update of, let's say, the root zone LGR that triggers this? That might be very different from a registry deciding to try to change its primary string. If the registry tries to change the primary string, then I would imagine it could be a change. And therefore immediately, there will be another primary string. And therefore, the entire set still needs the statuses.

We could also consider that a complete withdrawal of the TLD and the reapplication of the TLD, that would trigger a completely different process. So, yeah, at least I don't have a definitive answer for that. And I don't feel like we have discussed the issue itself. But my big question is, I wonder when the team was working through this, what were some of the scenarios that a primary might be kind of undelegated and what are the thoughts? And maybe we need to walk through those scenarios to come up with the better recommendation.

DONNA AUSTIN:

Thanks, Edmon. So I think I agree with you that this is, to some extent, let's take this question out of the current context and think about. It's almost the sanctity of the set. Right? So if we have agreed that an applicant can apply for primary IDN gTLD and variant labels in one application, we have agreed that if that applicant is successful, they have a single contract for the IDN gTLD primary and its variant labels.

So if we go back to this question and the primary is undelegated, if we think about scenarios, so it's undelegated because it's a breach of contract. It seems that that would disqualify the variance as well. So if you take out one, you take out the variance as well. So I think you're right about the potential scenario for what made it undelegated. But I think it also comes back to how do we view it's a single contract that has happens to cover three strings. So if one is undelegated because of a breach of contract, then doesn't that mean that all three are out because of breach of contract?

So you're right. It's an interesting question. But I think if we can answer, if it's one contract, three strings, for example, if one happens to become undelegated, doesn't that mean that if it's the same contract, then they're all in the same bucket. So that's kind of where I think we're going here. So in some respects, the reason why the primary has become undelegated, could be important. And the only scenario I can think of is a breach of contract or the registry operator has decided not to continue moving forward. And if there's a number of strings associated with that contract, then that means all are gone. So this is tricky on a couple of levels. So Maxim and then Michael.

MAXIM ALZOBA:

Maxim Alzoba for the record. Actually, I think that since we are trying to review all possible options, and if we see at this stage that the model will be single contract and all TLDs is not suitable to operational perspective, we might change our idea of a single contract to a few contracts with specifications, which tie all of those, which demand that all the changes to all contracts happen

at the same time. And yeah, with procedures and requirements to follow IDN variance policy whatsoever is cool. Thanks.

DONNA AUSTIN: Thanks Maxim. Michael.

MICHAEL BAULAND: Yes, thanks. Michael for the record. I think what you said Donna is really important that we have to distinguish why the primary label is revoked or taken out of the DNS. If it's a contractual issue, then I agreed that since if we stay with the agreement that there's a single contract for the main TLD and the variants, then all of them have a breach in contract and the whole set has to be removed.

However, if a registry decides that they for some reason do not need or want the primary label anymore, I think there should be an opportunity to somehow change the contract in a way that one of the variants becomes a primary label. With the caveat, which I put in the chat that this might cause other variants to have to be removed because the relationship wouldn't work otherwise, but at least in that not so likely case, but at least registry should be able to remove the primary label and keep some or all of their variants if they want to remove it freely. Thanks.

DONNA AUSTIN: Thanks, Michael. So in terms of current recommendations, draft recommendations that we have, I think we've agreed that if the applicant wants to become the registry operator, the contract will

give them a period of time to delegate all of the strings that are in the contract. And I think it's the 12-month period, if I'm not mistaken. We do not have nor have we discussed the possibility of the primary, switching out the primary label or not delegating the primary label. I think when we had that discussion, we agreed that it doesn't matter.

The order in which the strings are delegated doesn't matter, but the primary or all of the strings need to be delegated within a period of time. So I'm not sure that we really want to start going down the path of allowing a registry operator to switch out their primary label or any label once they're being contracted. I don't know that that's within our scope and maybe if that would be a conversation between ICANN legal and the applicant, but it sounds perhaps a bridge too far for us at the moment. Satish, go ahead.

SATISH BABU:

Thanks, Donna. Satish for the record. So all these discussions we've been having since we started we have been treating the variant set with a certain degree of sanctity or integrity. And every process we are looking at from the entire application process, the tracking that we just discussed about, the contracting, everything is based on this particular set. So now it is true that technically, these are all independent labels. That is how the infrastructure operates them or operationalizes them. But, logically, they are still at set. And I don't think we should invalidate the integrity of the set.

Plus, also, I see that if you are going to switch out a variant into primary labeling, then I think the ICANN contract will be invalid because it's against that primary, the original primary. So it's going to lead us to a bunch of complications. So in my opinion, I think we should take out the entire thing. The primary goes, and the entire variance, it goes out. Thanks.

DONNA AUSTIN: Thanks, Satish. Maxim and Sarmad.

MAXIM ALZOBA: Maxim Alzoba for the record. I think we all should understand that the determination of TLDs, I mean, the whole set of TLDs because one of them defecting is a huge disaster. It's not something which should be taken lightly. It's way worse than change your LGR table. Because all the registrants, offer, legal, physical, personal, registrars, I'm not saying about registry, but it will cause loss of users to have way worse effect than just confusion with which we are trying to fight in this EPDP. So it's a real nuclear option. It's not something we should be taking lightly.

DONNA AUSTIN: Thanks, Maxim. Sarmad.

SARMAD HUSSAIN: Thank you, Donna. This is Sarmad. If we can go back to the previous slide, please. So I think in light of this recommendation, though yes, I think, technically, theoretically, this is possible.

There are some, I think, numbers here. So if you look at number seven, it says that there is a possible mechanism to transition from delegated to allocated, which would be, I guess, in some ways, undelegation.

So since this is listed as the option which is possible, theoretically, not only, theoretically, but as a recommendation, I guess the question is, when can that be invoked, for variants and then also, for example, for primary labels. And if that cannot be invoked, then maybe the working group should revisit to see whether number seven, for example, should be included here. Thank you.

DONNA AUSTIN:

Sorry, Sarmad. Can you elaborate on what you mean by invoked? So from delegated to allocated, so that's kind of reverse. Right? So it's been delegated. And now it's going back to just an allocated label.

SARMAD HUSSAIN:

Right. When it goes to allocated, we assume that it means that it is not delegated anymore, which means it's getting undelegated. So I guess the question is that since this is listed as one of the options in the recommendation, I guess, the ICANN org teams was asking clarity on when is that possible. You know, of course, is theoretically possible, but practically, is that possible? And then if it is possible under what cases? And could it also happen, for example, for the primary label or just only for the variant labels? Thank you.

DONNA AUSTIN:

All right. Okay. So I noticed there's a lot going on in chat, which I haven't been able to catch up with. So if anyone wants to speak to what's going on in chat, that would be helpful. So I think it's about changing a primary. I think at a Meta level, I think we really do need to recognize that a lot of our conversations have been around the sanctity of the set. So if you're going to break the set, if you break one, you're basically breaking all. So to Sarmad's last point about whether this is all the variants or just some, I think it's an all or nothing, and I think that seems to be resonating with most of the group here.

So I think, Steve, if I understand Sarmad correctly, it's now about the circumstances in which those labels could go from delegated back to allocated. And I think that goes to Edmon's earlier question about what are the scenarios that could mean that a primary or another label becomes undelegated. So one circumstance would be a breach of contract.

The other may be the registry operator voluntarily decides that they don't want to operate the TLD anymore. So they have a conversation with ICANN and a decision would be made about whether that goes to [00:35:56 -inaudible] or whether it's just taken out of the route without any real consequence. I don't know that there's any other scenarios than that. So I'd be interested to hear from folks. But I think where we're going with this is that if the primary is undelegated, then it follows that the variants are as well. So Dennis, and then Maxim, and then Steve.

DENNIS TAN TANAKA: Thank you, Donna. Sorry. Dennis Tan for the record. I want to restate a few things that I have heard and offer an observation or suggestion for that matter. So I think Satish hit the end in the nail when he said, there are two items here at play, one technical, one policy. Technical TLDs in the root zone, they are independent entries.

So there is no real implication whether you delegate undelegate one. So really not technical implications. The policy one is the one that matters here. That's what we are discussing. So in principle, we should protect integrity of the variant set. And that requires knowing what the primary is so that we know what's the variant set and their disposition variants.

The other thing that I'm still not clear, but I think we're going the path where this event, this is scenario of undelegating the primary is not one where the operator is in breach up their contract. That's clear breach of the contract. So either it's because of a variant label, or primarily, or whatever, but it's breach the contract, then all of the variants set would follow the same path. So it's a question whether this undelegation scenario is a request from the operator or what?

And I also want to restate what Sarmad pointed out on, if we go back one slide, I think I believe it was the status number seven, right, delegated to allocated, which is the undelegation scenario. So perhaps, yes, we should qualify, in which case, this might be possible. And this is my observation or messages.

And to keep things simple in principle to protect the integrity of this set and provide a simple and definitive actionable parameters as

to when these status change from delegated to allocated, which undelegation can happen. And that would be as we're saying, not the primary, but available for allocatable variant labels. And that will create these more predictable process that applicants and registrars operators will know prior to applying or expecting to manage.

Because at this point, I mean, we can talk about different scenarios in which a registrar operator might want to request an undelegation. And there are other factors where we're talking in a vacuum here. But we don't know about the fees, the cost to manage the variant set, and what have you, which make an incentive or disincentive to undelegated primary label. But since we don't have those data points, we just make it clear that as simple as, again, looking for a simple solution here that the delegation undelegation only applied for allocatable variant. So I'll just stop there.

DONNA AUSTIN:

Thanks, Dennis. And I think separating the technical and the policies is important here. So technically, you could probably take out the primary and not affect the variance because they are just the strings. But it's the policy that we're trying to address here. And we shouldn't do it in a vacuum. We know that we've made certain recommendations along the way that we should think about when we think about this question and particularly, the applicant is one application for the IDN gTLD, the primary, and the variants. And if they're successful, then that's what goes into the contract. Okay. Maxim, then Steve, then Hadia.

MAXIM ALZOBA: Maxim Alzoba for the record. I think now we are creating some item which makes the whole IDN-EPDP result more usable because applying for a TLD is a business decision or organizational decision. And it means that the organization waits financial spending such as risks, etc. And here, we have significant risk to all TLDs, not just one. The operator has, in a set.

And for them, it would be easier to apply for those ideas separately because there will be no risk involved. And thus, we are spending time for creation of policy, which nobody is going to use because of a significant risk for registry. Because for registry, it's end of the business if they do not operate a lot of periods. And we risk creating policies similar to some policies which were created for the previous round but never used. Thanks.

DONNA AUSTIN: Thanks Maxim. Steve, and then Hadia.

STEVE CHAN: Thanks, Donna. This is Steve. I think Justine actually sort of summarize what I just want to bring up and it's actually covered in the scenarios. There's some actions where it's the registry voluntarily seeking to undelegate strings. But there's also some cases where it's involuntary. So the breach of contract, like Donna mentioned, but the other one that Justine mentioned, it's covered in the scenarios about well, there's an assumption

captured on this slide where the RZ-LGR renders the primary string invalid for some reason.

And in this case, there's a recommendation from this group that there would be grandfather involved. And so that wouldn't really create us a scenario where the primary string would be undelegated. I think Edwin had asked about what would happen in this case. And just in general, it's helpful to recall the draft recommendations from this group to try to eliminate some of the scenarios that might end up in different results here. So just want to verbalize it even if Justine actually already put a chat. Thanks.

DONNA AUSTIN:

Thanks, David. And if I could just make a request to Michael Karakash, I'm not going to say was the draft of this input from ICANN org, but I think what will be really helpful is to, we've got clarification on what was meant by revoked, in that that means undelegated. But to the extent that you can provide scenarios where you think a primary would be undelegated, that would be really helpful. I think we've got a way forward on this. But if we're trying to explain in the rationale revoked or undelegated, I think it would be helpful if we heard from ICANN or the circumstances in which they were thinking about where a primary could be revoked or undelegated. So Hadia, and then Sarmad.

HADIA ELMINIAWI:

Thank you. This is Hadia for the record. To me, I think that the only way forward to us is actually to have a primary undelegated, but to keep other delegated. And the reason I'm saying that is

because I'm thinking, what are the potential consequences of undelegating a primary? And then stepping up a variant to become a primary. If we do that, then as said before many times the disposition of the label changes. And you could have allocatable labels move to block and other blocked move to allocatable maybe. And then comes the question that the confusing similarity review.

So if we remember, we all agreed on the hybrid model. And based on that hybrid model, some IDN TLDs would have been already delegated because they passed the review. However, if those delegated IDN TLDs are to be reviewed again. They might not pass after the new disposition of the labels. Accordingly, I don't see stepping up a variant to become a primary. I don't see it as an option. And thus, we remain with having no primary and keeping the other delegated variants. Thank you.

DONNA AUSTIN: Thanks, Hadia. Sarmad.

SARMAD HUSSAIN: Thank you, Donna. This is Sarmad. So this is something which I do not know about. But I guess the question is, is it possible, and I think we've discussed this somewhat, but not clear yet. Is it possible for a registry to request for withdrawal of just one variant label and not others? And again, I guess, in the related question is that if that is possible, then is it possible for the registry to also request withdrawal of a primary label? Thank you.

DONNA AUSTIN:

Thanks, Sarmad. So my understanding of the conversations we've had around this previously are related to the ability of an applicant to submit one application for a primary IDN gTLD label and however many variants they want. And then that would follow through in the contract. We also had a conversation around timing to delegation. And there was some concern that if we didn't put a time frame on the delegation of however many labels we apply for, and are contained in the one under the umbrella of one contract that there is potential for gaining.

So we have not had a conversation about whether somebody can withdraw their variant label. I think our assumption has been all the way through that if you apply for a primary gTLD and X number of variant labels, then the assumption is that you want to operate them as a set. So we're back to the sanctity of the set, and they will be delegated within a specified period of time.

So my recollection is that we have not had that conversation about whether it's possible for a registry operator to not delegate a variant. Certainly, the assumption has been all along that all strings applied for and under the one umbrella would be delegated within the specified period of time. So I don't know if anyone else's recollection is different from mine. So Sarmad, my recollection is we haven't had that conversation.

So I don't know that it's something we want to put in a parking lot for conversational or whether we want to stay with those assumptions or principles we've had all the way through that if you applied for them, you're going to use them and you're going to delegate them or whether we want to carve out exceptions as to

why variants don't need to be delegated, but primaries must be or something like that. Sarmad, is that a new hand or an old hand?

SARMAD HUSSAIN: Yes. That's a new hand. I think that's why I was referring to number seven. Because number seven, I think in some ways, suggest that a registry could withdraw one of the variants. It says a variant label may go through, from delegated to allocated. So it seems like they're withdrawing delegation.

And that is why, I think, this question came ICANN org that whether if that's possible, then can it be possible for primary and what are the implications? But what I'm hearing now is that at least from what you're saying is that maybe number seven is not relevant. And in that case, then is that something which should be taken out from this list? Just a question for everyone. Thank you.

DONNA AUSTIN: Thanks, Sarmad. Okay. So this has got a little bit trickier. So do folks have a view on whether the variant label could be undelegated at some point in time? I think my gut reaction is we're making this way too complicated. But I really want to hear from others. So Maxim and then Justine.

MAXIM ALZOBA: Maxim Alzoba for the record. First of all, if the primary is not the undelegated, it's still primary. And following the logic of this EPDP, it should go into state to be delegated to the same entity only. The second thing, if we are creating the methods to make

risk of a duration of a variance at significantly higher than the operating of those TLD separately using all the same rules but without declaring those IDN variance and allowing registrants to register those domains maybe by marketing programs where the entity registering, yes, view those domains, in those TLDs, [00:54:20 -inaudible] discount is done currently, and we will not be able to prevent that.

Then we're creating something, making all of our work not necessary. And also, we as currently these EPDP is a gating item to the next round. We also delay the next round. So I think we should review the possibility to make the primary withheld to the same entity. Because the set is still the set and also to lower the risk that anything called IDN variants is not going to be used. Thanks.

DONNA AUSTIN: Thanks, Maxim. Justine.

JUSTINE CHEW: Thanks. This is Justin for the record. I think I guess it's a question of how strongly we hold this principle of sanctity of the set. Right? And whether something causes the sanctity to be breached or not. So if you just take the question of whether we would allow a variant to be withdrawn, so long as the primary is still delegated, that doesn't affect the sanctity of the set because if we allow that, then that particular variant moved from delegated to allocated. So personally, I don't see a problem with allowing a variant to be undelegated.

Now the issue, going backwards to the primary label, if the primary label becomes undelegated, then the sanctity of the set is affected. Because as we all know, the set is determined by the primary. Right? So then, again, I go back to what I put in the chat. I think we may need to look at what is the cause of the undelegation. And if it's something that is caused by the registry operator themselves, like, they decide they don't want to carry on with the primary label, then it's a breach contract. Right? And they are causing the breach of contract. So then why should they be allowed to retain the variant? Because if you take out the primary, then the sanctity to set this breached.

But if the undelegation is due to something that is not caused by the registry operator, such as the example given by Maxim that something to do with the language is not recognized anymore. That's not the fault of the registry operator. So then maybe there could be exceptions for that, for them to keep the variants that have been delegated somehow.

The other possibility is if the RZ-LGR is somehow changed and the primary label becomes invalid, then again, that's not something that's the fault of the RO. So maybe that scenario also exceptions can be entertained. But if, again, I would stress that, this is my personal opinion, if the cause of the delegation is due to the registry operator themselves, then I don't think they should be allowed to keep the variance because the sanctity of the set is breached. Thank you.

DONNA AUSTIN:

Thanks, Justine. So I agree with what you said, but there's a consequence here of, if the registry operator decides not to delegate a variant or undelegate the variant. And that's the consequence of the registry agreement. So unless we develop a policy recommendation that somehow -- because in the contract we've got a time frame for which the variants need to be delegated as well as the primary. So we don't have a means for there to be any wriggle room in that at the moment. So that's one thing we will need to address.

So other than that, I don't disagree with you, but there is a consequence there on the contract and that is something that we would need to address if we're going down the path of if the primary is undelegated, then all around if something happens to the variant, then maybe not. But if the variant is tied up in the contract, then that's something that we need to sort out what the consequence of that is. Hadia.

HADIA ELMINIAWI:

Thank you. This is Hadia for the record. So yes, I definitely agree with you, Donna, that the contracts need to be adjusted. As Justine mentioned, I don't see any problem in the undelegation of a variant. The problem is with the undelegation of the primary. And the question here, do we really need to look for the reason for the undelegation. Why the undelegation actually happened? Couldn't we just put a rule that if that variance could be undelegated, and then put a set of rules if this happens, then maybe contracts should be adjusted?

And if the primary is undelegated, then we have two choices, either the set continues as is without a primary or the whole set goes. So I think we need first to agree on whether the whole set goes or the set continues without a primary and then decide whether we should differentiate between based on the reason of the undelegation. Thank you.

DONNA AUSTIN:

Thanks, Hadia. So, Dennis, could I call on you to talk about the suggestion you have in the chat to try to provide us a way forward here. Because I think folks are generally giving you a green light. So if you could speak to it, that'd be great.

DENNIS TAN:

Thank you, Donna. Dennis Tan for the record and not taking credit. Just putting all the ideas that I've just heard into a few lines here, but I think what I pair. Right? Again, this is coming from the principle that we should maintain the integrity of the set. The primary does have an important role in the variant set and that should be kept and maintained in order to understand where is the set coming from and what are the statuses of the variant labels related to the primary label.

And to keep things simple, the scenario in which a label can go from delegation to allocated or what we are now realizing is an undelegation, it's open and only variant labels are eligible to do that, but at the request of the operator. But the primary label is not going to be subject to that benefit, if you will, or process. So

all the variant labels can be at some point in time, the amount referring to the allocatable variable.

Allocatable variant labels can be subject to activation, delegation, and potentially undelegation by request of the registrar operator provided, of course, that a justification is given at the time of request. And if there are existing registrations, that there ought to be a transition plan to take account for those domain name registration. Right? All the rules that we are going to be talking about in terms of how to keep variant relationships in check and whatnot.

But that process of undelegation of a label in the set is not open for the primary label because of the reasons that we talk about. Right? And we all understanding that from a time at some point, they're independent, yes, but the policy decision here is that primary, because of its important role to keep the integrity of the set, the primary label is not subject for voluntary undelegation request. Right?

And what I'm saying emphasizing in the voluntary term here because when we talk about a breach of contract or have you, that's not a voluntary request. That's something that is triggered by compliance. And therefore, if the primary is found in breach of the contract, then the whole set goes. So that's why the emphasis on voluntary request. I hope that was clear, Donna.

DONNA AUSTIN:

Yeah. Thanks, Dennis. That was helpful. And just to clarify, so the requirement that we currently have in the registry agreement

that primary gTLD label and the variants need to be delegated within a certain period of time. The expectation is that the registry operator would meet that obligation but at some point down the track, the variant, they may decide one of the variants or two of the variants, whatever isn't necessary for what they're hoping to achieve. So they'll have a transitional plan that they'll work through with ICANN to work that through. But in terms of meeting the contract requirement for delegation, they've met that. But now they're requesting a non-delegation of the variant. Hadia.

HADIA ELMINIAWI:

Thank you. This is Hadia for the record. So I totally agree with Dennis. So Dennis mentioned two cases, two possible scenarios. One, the registry operator as to undelegate the primary. And for that, we said this is not possible. The second thing that the undelegation is happening due to compliance issue. And in that case, the whole set goes. There's a third option. That the undelegation of the primary is actually triggered due to change in the root zone label rules calculations. And in that case, I think the whole set, we have the grandfathering principle. So based on that, the whole set will proceed without a primary.

DONNA AUSTIN:

Yeah. More or less, Hadia. I think the grandfathering means of the primary that's been delegated will continue.

HADIA ELMINIAWI:

So the primary set will continue. Okay. So there's no problem there.

DONNA AUSTIN: Yeah. So there's no problem there.

HADIA ELMINIAWI: The primary and the variance, it's not only the whole set. They are all going to continue anyway. So there is no problem. Okay, thank you.

DONNA AUSTIN: All right. Okay, so I think we have a path forward. So thanks everyone. I think it's a good conversation and I think it's good to remind ourselves that we have other recommendations that are going to impact on some of the future conversations we have. But I think we've gone full circle, and I think we've ended up in a good place. So thanks everybody. Steve, are we good to move on?

STEVE CHAN: Thanks. This is Steve again. I think there was actually an underlying operational question here, which I think is pretty simple and obvious now that the underlying question was answered. And there was org comment. And I appreciate Sarmad or Michael coming in if I get this wrong, but basically, if that the group just decided that if the primary goes and the set goes, and so in that scenario, org had been asking if the set is gone essentially, do the variant label states need still continue to be tracked into the future.

I think if the entire set is going away, then the answer is probably pretty clear. There's no need to continue to track them as a set

because they are no longer a set. So that was the only thing I was going to add. It seemed like there's a pretty clear answer out of that. But apparently, I triggered a couple of hand or two.

DONNA AUSTIN: Thanks, Steve. So just a reminder to Michael Karakash, it is important that we get some information from ICANN org about what they consider to be what would cause a primary to be revoked or undelegated. So that is input that I'm specifically requesting so that we can include it in the rationale for this recommendation. So I just wanted to make a reminder on that before I forgot. Maxim, and then Justine.

MAXIM ALZOBA: Maxim Alzoba for the record. I suggest since the closest we can find to the next applicant's community is the registry, the current registries, I think we might ask RySG to express their opinion on how many of the current registries will participate in some kind of informal poll would choose IDN variants application if they know that all the TLDs in the set are potentially endangered if something happens to a TLD which is called primary.

DONNA AUSTIN: Thanks, Maxim. So I don't agree that we need to do a poll of the registry operators. I think what we're dealing with here, the circumstances or the likelihood of a primary label being revoked, I think it's an edge case. So I think it's a low risk. And what we're doing here is creating the rules for IDNs and their variants. And without these rules, there won't be any variants. So I think we're

on a good path here, and I don't think there's any need to go back and poll existing rows. Justine, go ahead, please.

JUSTINE CHEW: Thanks, Donna. This is Justine. This is just food for thought. Okay. I don't know the answer to it per se, but my question here is, in the scenario where the primary is undelegated, which then would affect all the variants have been delegated to be also taken out, so to speak. We understand that the tracking of those variants then becomes unnecessary. Right? Because you've taken them out of the root. But does recommendation 1.13 imply that there'll be some kind of historical records kept in which case, do we need an eighth label transition that accounts for something a variant having been withdrawn and then kept aside as this historical record and no longer being tracked.

DONNA AUSTIN: I personally don't see any harm with doing that. I know that with brand registry operators at the moment if a brand is undelegated for one of a better word, that string cannot be allocated to anybody else over a period of time. I think it might be two years or something like that. So I don't know whether there would be any reason why we'd want to do the same here. But I don't see any harm in keeping records for a period of time either. But I don't know if anyone else has any views on that. Maxim.

MAXIM ALZOBA: Maxim Alzoba for the record. For brands, they can have trademarks in different languages, and those are different. And if

they withdraw one of those, it doesn't mean they lose all of those. So it will be the reason for them to apply as different brand TLDs and not as brand IDN variant.

DONNA AUSTIN: Thanks Maxim. Okay. So we're good to move on now, Steve.

STEVE CHAN: I believe so. And I'm glad I didn't take us down too big of a rabbit hole with my last second intervention there. So we actually had another slide upstairs, but I think we just actually touched everything there. So we are actually moving to another new piece of input. This one is, I remind myself as I'm reading. Maybe I'll just read it actually. So the recommendation from this group is really about so, it says, any allocatable variant label of an existing gTLD as calculated by the RZ-LGR, can only be allocated to the registry operator of the existing gTLD or withheld for possible allocation only to that registry operator.

So the comment from org is that-- actually I know I just read that recommendation, but there's a general comment in its respect of recommendations 2.1, 2.2 and 2.3. And 2.2 and 2.3, if I recall, these two are about requiring the same back end registered services provider. And so the question and input that you're seeing on screen from org is not specific to the language. It's more I think of a general question and concern.

And so it's more general nature, but not about the text in the recommendations of this group. But in summary, it's basically asking if an existing registry operator applies for and is granted a

variant utility. It will presumably be on an older existing version of the registry agreement. And then notes that currently, there is no process for moving from one version of the RA to a newer version.

And so the suggestion here from org is just to make sure that we take into account operational implications of there being likely a need to create a new version of the registry agreement either from the SubPro group and recommendations, but also from the recommendations of this group stemming from potentially recs 2.1, 2.2, and 2.3. So hopefully, that makes sense.

This particular input is not about the specific recommendations, but just about the nature of moving from one registry agreement to another, in the case of this one where it's talking about an existing registry operator who has an agreement and is now also seeking variance. So hopefully, that makes sense. And I already see a hand from Maxim. And again, I'm going to turn over the queue management to Donna. Thanks.

DONNA AUSTIN: Thanks, Steve. Maxim.

MAXIM ALZOBA: Maxim Alzoba for the record. Creation of a new type of registry agreement, first of all, undermines the idea of unified registry agreement. As I understand, many, many efforts were done to create something which is going to be used by all registry. And now creating a new kind of registry agreement will undermine that.

And also, creation of new agreement will take time and use of the say, most probably not. It will take time to develop the specification which ties few agreements together under special rules of those specifications. And I recommend us all to review the idea of unified registry agreement, because it seems not to be implementable from the operational perspective, or at least easily implementable.

And from legal perspective, I do not see the difference between having a single agreement for few TLDs and have a set of registry agreements. We have special provisions in specification number something, which says which of the TLDs are tied together, which one is the primary, and which rules should be used for updating of the agreements mentioned, which rules should be used for inclusion of a new variant or removal of a string. That's it. Thanks.

DONNA AUSTIN:

Thanks, Maxim. So I agree that when we start talking about agreements, it gets a little bit complicated. And I must admit that I really hadn't thought of the possibility that the existing registry operator already has a registry agreement with ICANN, and if they apply for variance, it probably makes sense that it's a new agreement.

And my understanding is that there will be a new agreement that will be part of the separate recommendations, and we're certainly recommending a single agreement for an IDN gTLD applicant and its variants. So this is a bit of an unusual situation in that we already have an existing registry operator with an agreement.

They want to apply for variants which we've agreed they can do. But how is that? What's the registry agreement arrangement?

So I agree with ICANN that it would be difficult to meld to. Whether this is something we can push off to the IRT as implementation and say that this is the intent, but if you can find a way to make this happen, that will be great. Or whether it's something that we actually need to resolve here. Edmon, go ahead.

EDMON CHUNG:

Not too much to add, but I think we briefly touched on that. I think it's probably much cleaner. But again, this is implementation, and I think I agree very much with you to leave it to implementation. But I think it should be quite clean to deal with these types of things like specification 14, which we touched on briefly, previously. And I think there's a can of worms if we maintain multiple registry agreements for variants because the enforceability of maintaining the sanctity of the set is just a bit of a problem in my mind. So, yeah, I agree very much with what you said and I think there are ways to address those issues.

DONNA AUSTIN:

Thanks, Edmon. I think it's helpful that ICANN org has flagged this, and we will review our recommendation and our rationale. I don't know if we have implementation guidance, but see if there's a way for us to punt this to the IRT to sort out what they think would be the best path forward, given it's about the registry agreements. Maxim?

MAXIM ALZOBA: Short notice about enforceability, it doesn't matter if it's a single contract or a few contracts tied by specifications. Specifications are the parts of an agreement and whatever is written there is enforceable. And if you write there that those TLDs are tied together, and if something happened to that contract, these contracts will bear the consequences. And if both sides agree, it's enforceable, that's it. It's just compliance.

DONNA AUSTIN: Understood. Thanks, Maxim. Steve, are we ready to continue?

STEVE CHAN: Yeah, I think so. Just to summarize what I heard, it seems like there's not a change that needs to necessarily be made to the recommendations, and this is likely something that will need to be resolved in implementation, either from these recommendations or also related to sub-pro too. Because it's a similar issue. If I got that right, then I agree, I think we can move on. Thank you.

Looking at the next set of recommendations, I mentioned that the more general feedback that we just looked at, it's in reference to Recommendations 2.2 and 2.3, as well. So you can see Comment 1 references the input we just discussed. I noted that these two recommendations, 2.2 and 2.3, are about the requirement for a primary string in various labels requiring the same back-end registry service provider. The input and comment from Org, in this case, is that it was labeled as non-substantive.

But I believe the reason why we highlighted it for discussion with the group -- and it's not just a tweak of the language here or there, it's more or less, almost an entirely new substitution of language. And the reason for their suggestion, if I understand it, is to provide a more precise assessment of what we're trying to say as an EPDP.

In summary, the input from Org is to use the language that they suggested here, which is all critical functions as defined by the base registry agreement for the TLD, and its variant labels must be provided by the same service providers. They are suggesting to use this language instead of the one you see in the EPDP team's draft recommendation, just to have a more precise language but maintain the same intent as this group. I'll stop there and see if there's any discussion here.

DONNA AUSTIN:

Thanks, Steve. I should have thought to ask this before the call but, do we have the definition of what all critical functions are in the base registry agreement? I'm pretty sure it's close to what's in Rec 2, which is DNS, DNSSEC, RDDS, and EPDP. But I guess it would have been helpful if we could have had the definition of what's in the registry agreement.

UNKNOWN SPEAKER:

Maxim and Edmon are saying that there are definitions in the RA.

DONNA AUSTIN: I know it's in the RA, I just want to know what that definition is. Well, I want everybody to be able to see what the definition is to make sure that they understand that it's consistent with the language that we had in the recommendation. Okay, Maxim's put the link in chat, so we'll assume that is consistent. If folks want to take a look at that and if they don't think it is, we can come back to that at a later stage. But I'm pretty sure it's consistent. For clarity, I think it would have been helpful if we actually had that definition available for folks to view here.

STEVE CHAN: Donna, if I may, I was just going to suggest we can probably take care of your request and take an action item to circulate it after this call. But I think Maxim is doing our work for us by putting it in the chat, nevertheless, I think for completeness, we can still circulate as an action item.

DONNA AUSTIN: Sounds good, Steve. Thanks.

STEVE CHAN: All right. So like I said, this was a non-substantive input, given the scope of change. And thanks for the assist from [inaudible - 01:27:37]. This was only in the respect of Recommendation 2.2, not 2.3. Generally, this recommendation from the group is about the application process and the ability of the -- this a recommendation I've alluded to earlier, which is about the applicant's ability to demonstrate both the need for variants and also the capability to operate the variant TLDs. So there are a

handful of different elements that the Org team is trying to ask about.

The first thing that they suggest is that those two components I just mentioned demonstrate both need and also capability. They suggest separating that into two parts, essentially, two recommendations. And, related to that, they're also suggesting that, hopefully, some implementation guidance could be provided to help them understand how those two things can be demonstrated. So essentially, the criteria for evaluators that they would use to assess both need and capability. That's the first part of it, in summary.

Comment 2 that they have here is an example that they came up with. It's just purely an example of maybe one criteria that could be used for the need element. The third point here pivots to the part of the recommendation that Comment 2 that they have here is an example that they came up with, the criteria that would be used to demonstrate capability.

And so the suggestion here is, again, following on from what I just said earlier, that they would appreciate additional guidance on what those criteria could look like. But they also are noting that maybe this is not within the skill set of this group. If it is, that's fantastic. But if it is not, then they're pointing out that one option could be, as noted in the policy development process manual, that a PDP outcome or a recommendation can be for additional research or surveys to be conducted.

So if the expertise does not necessarily reside within this group to be able to determine the criteria, then a recommendation could

be, hey, go get the expertise from some outside party that can help develop those criteria so it can be evaluated in the application process. Hopefully, that made sense, I'll stop there. I don't really like reading this text out, hopefully, the summary helped. Thanks.

DONNA AUSTIN:

Thanks, Steve. I don't think that there's any concern about splitting this recommendation into two to put a little bit more behind needs and demonstrate ability. My concern about 3 that ICANN org has identified, the EPDP team may consider requesting additional research be conducted to help supplement Part 2 of the recommendation in demonstrating the ability. This could be in the form of a recommendation, as permitted by the PDP manual, which states that PDP teams may make recommendations to the GNSO regarding research or surveys to be conducted.

I don't know what research will be helpful in this regard. I think what we heard from SSAC, and what we've heard today is, technically, there's no problem with operating -- you know, a TLD is a TLD, so I don't know what additional research will be helpful. Do we have the expertise within this group to come up with what we think would be reasonable criteria for how an applicant could demonstrate their ability to manage a primary in variants? Does anyone have any views on that? Maxim?

MAXIM ALZOBA: I think, since the applicant just supplies the panelists with the text, there is no real possibility to establish that they're capable, or someone wrote the wise and smart text. I'm not sure that a lot of that text will help a lot here.

DONNA AUSTIN: Yeah, that's a fair point, Maxim. It reminds me of the technical questions that were in the 2012 application where the expectation was that you get a variety of answers but most of those technical questions were drafted by a small number of RSPs on behalf of the applicant, so the variety of checks wasn't all that different. Edmon?

EDMON CHUNG: I think you asked the question of whether this is the right group to consider. I think this group can consider it but the problem is, even if we ask for additional research here, a lot of that is interrelated to the evaluation of the overall applicant in terms of their technical capabilities. So in some ways, unfortunately, that has to be tied into the implementation part rather than -- it's not about whether this group can, after receiving the information and the research, make a decision, but that that decision interrelates with the sub-pro implementation in terms of evaluation of the overall technical capability.

So I think it makes a bit more sense to, I don't like to use the word punt, but to schedule that particular decision in terms of the practices at that point. I don't know whether I'm making sense, but at least that's what I think makes more sense.

DONNA AUSTIN: Thanks, Edmon. Steve?

STEVE CHAN: Thanks, Donna. I think Edmon hit the nail on the head, and it's a good clarification. The way that last piece of input is formulated, if this group were to not take on the task of trying to develop the criteria itself and instead ask for research to be done in the future, that input and research wouldn't come back to this EPDP because it would be a recommendation.

It would be therefore adopted by the council, and then additional research would be conducted afterward as a matter of implementation and then inform the development of the evaluation criteria. So I think a helpful comment and distinction from Edmon about the implications of if this group were to not take the task on themselves but "punt" the work to later by asking for research to be done. Thanks.

DONNA AUSTIN: Thanks, Steve. One of my hesitations here in requesting additional research is that I'm concerned that that blows out into something that's a substantive effort where it doesn't need to be. I don't know if that's what we intended. What I'm trying to say is that demonstrating an ability to manage a primary IDN gTLD and apply for a variant shouldn't be from both the technical and operational perspective and shouldn't be much different from operating a gTLD.

What's the current requirement that a gTLD has to demonstrate their ability to manage or operate a TLD? And where does that differ for an IDN gTLD and applied-for variance? Where's the gap and what's the extra bit that you need to demonstrate your ability to manage an IDN? My concern is that requesting additional research seems like a pretty big deal to me, and has the potential to blow out into something that will take 12 months or so to complete.

So is that really something that we think is valid and should be done? Or is it simpler than that? Is it understanding what the current requirements are for a gTLD to demonstrate your ability to manage it? And some of that is technical and some of it is operational, so what's the difference and how do we bridge that gap? Dennis has a suggestion in there. Dennis, if you want to speak to that, that will be good. Edmon?

EDMON CHUNG:

I think I generally agree with you, Donna. But even then, we still need some research done. And that's why I was trying to make the point that that research should be done alongside the work on determining what capabilities generally a gTLD applicant should demonstrate. And it should be just, say, a little bit of an add-on and not a blown-out-of-scale research that you mentioned. If we don't have implementation guidelines on this, it should be studied alongside the capabilities. But I do think that there are some considerations that need to be had but it should be a small addition to the larger question rather than a completely separate consideration that's blown out of proportion.

DONNA AUSTIN: Thanks, Edmon. So if we did go down this path, we could qualify what research or the scope of the research. Dennis?

DENNIS TAN TANAKA: Thank you, Donna. I put something in the chat so let me elaborate. Based on this conversation, what can the EPDP put on paper? Potentially, we're talking about a future working group, the IRT, or research, or what have you can continue the work. As far as elaborating on our recommendation, perhaps we want to scope it as in the critical functions of a TLD operator.

That's what we can ask a TLD operator to demonstrate their performance of, and a future implementation team, or we can also ask for research on what entails the critical functions relative to managing variant sets. And some of it, I recognize, will be touched upon by what we want to do with the TechOps group going into the lifecycle of domain names in variant relationships. So, a two-stage process, or just drawing a line where what we can recommend as a recommendation or policy recommendation and what we defer to an implementation.

So, stay within what we understand and what we can measure. That is the critical function of a TLD -- manage the DNS, manage resolution, manage EPP as it pertains to creation, manage updates to a variant set of domain names, data escrow, and all that stuff. But the specific details as to what can be measured in terms of variants, that, perhaps, we defer to implementation or additional research if that's what we believe is going to be needed.

Hopefully, that expands and clarifies the suggestion there. Thank you.

DONNA AUSTIN: Thanks, Dennis. Maxim?

MAXIM ALZOBA: I think in addition to those explanations, there should be a separate set of tests for the applicant. Because, most probably, we are going to develop some ideas of how and when the domain should the registrar [inaudible - 01:43:28], how the applicant shows from the technical perspective that they can prevent registration by the entity different from one owning some domain from the set, etc.

DONNA AUSTIN: Thanks, Maxim. I think we've got some good suggestions here so we'll take them on board and see if we can craft something in, probably, implementation guidance. I think we can break the recommendation into two and then we'll play with the implementation guidance to see if there's a way that we can be more helpful in what we intended with this. Sarmad?

SARMAD HUSSAIN: Thank you, Donna. That does address the second part. But I think there is also this first part, which is to explain the reasons why it needs to activate, apply for variant labels. I guess the question is, in case that reason needs to be reviewed, what could

be the criteria, and is that something that should be done through a panel or by ICANN org? I'm just thinking about some of the implementation details here.

DONNA AUSTIN:

Thanks, Sarmad. So, the needs question, in my mind, is reasonably subjective. I think it's hard to have set criteria for an evaluation panel to go through and tick a box to see whether the applicant has met the criteria in terms of needs. The primary need, you would think, is related to a language community, but the example that ICANN has here seems to be based on the fact that maybe the string has some real meaning, or it's a meaningful representation of something in the language.

I think the need is a little bit harder to be specific about. And Steve is reminding me in chat that in the 2012 round, there was question 18 which was, what's the purpose of the TLD and how do you use it? My recollection is that some applicants put a lot of work into that question, but the question was unscored.

And I guess that's something that we haven't considered here, the scoring and I think it's a good point made by Steve, that maybe the need isn't something that needs to be scored. But I can see the technical and operational ability is something that should have some kind of weighting on it. Do folks have any thoughts on that? Would somebody be disqualified from an application process because they didn't meet somebody's subjective idea of what a need was? Dennis?

DENNIS TAN TANAKA: Thank you, Donna. I think that's a good input and a good data point. And yes, putting something here as a hard criteria would be very difficult. Because we don't know what we don't know. Variants, something new -- some would-be ratio operators will come up with different business models, needs, and what have you.

So it would be hard for us to predict what that future might look like and put in a hard set of criteria in which you can qualify or disqualify based on need. That's going to be hard. So I tend to favor the, yes, justified, but we will not challenge the basis of the substance of it. We'll focus more on the technical capabilities of doing what you are supposed to do, following the rules or policies of what will make variants work at the TLD level. Thank you.

DONNA AUSTIN: Thanks, Dennis. Justine, and then Edmon.

JUSTINE CHEW: Thanks, Donna. Again, I'm relying on my recollection. I believe there is proposed implementation guidance 2.7 that goes with this recommendation 2.6. And that's probably something that we need to work on in terms of expanding it. My recollection of implementation guidance 2.7 talks about the application process, or whatever submission process for the information that is to be provided by the applicant, has to be able to give a consistent way for the evaluators to look at it.

But I think my point here now is, we haven't seriously considered what sort of panel is going to evaluate these questions. I don't

know who this is going to be, but I believe implementation guidance 2.7 does refer to requisite expertise for whichever panel evaluates this. So the bottom line is, I think we need to work on this a little bit more to include input from today's call. Thanks.

DONNA AUSTIN: Thanks, Justine. Edmon?

EDMON CHUNG: I generally agree with Dennis in terms of future development and hard-to-define needs. However, I think there is a good framework, at least from the root zone LGR process, that identifies the need for variants. And I think the evaluation piece needs to identify -- a registry operator identifies the need for -- the variant should not stray too far away from what was in the root zone LGR for that script or that particular variant.

And if it does, then it either means that the root zone LGR is wrong, or that they have not understood the root zone LGR, or they want to challenge the root zone LGR. So I think the criteria are not entirely missing there, there are aspects of the root zone LGR reports that specify why these are identified variants and why they're needed.

Although it's still a bit subjective, I think there is something to point to, for evaluators to say, hey, this need that you described is far away from the need that was described in the root zone LGR, and therefore, it's not necessarily justified, unless you explain why your need is separate from the root zone LGR and still valid as a need. So I think, yes, in general -- it's probably subjective -- but

there are things that we can point to for the evaluators and the implementation of the evaluation.

DONNA AUSTIN:

Thanks, Edmon. That's a good suggestion, we can tie that to that. I would like to just park that, or just keep it in the back of our minds, this notion that Steve raised about scoring and not scoring. Because this is going to fit into the context of the new gTLD application so we don't know what that scoring or weighting is going to be. But perhaps we could make a comment about what's really important in this recommendation and we could potentially apply some [inaudible - 01:53:45] that. Okay, so I think we've got enough on this to move forward. Steve, I think we are three minutes from time.

STEVE CHAN:

We are indeed three minutes from time. We only have one thing left, but given the time left, I think it might be worth continuing on the next call. But I just want you to know that we've made great progress today. And that said, this is another of the inputs from Org where they labeled it as non-substantive input. But again, given the amount of text replacement they're suggesting, the idea is to make sure that this group has a chance to discuss it. Maybe I actually can cover this real quickly.

The general nature of the recommendation is that for application types where there are restrictions like community TLDs, dot brands, etc., it was whether or not the variant should be subject to the same restriction. And so what the Org input is asking about,

or suggesting, to be more precise about what those "restrictions" mean. And they are differentiating between, say, specific elements during the application and evaluation process that community and dot brands, etc. would be subject to, versus contractual requirements.

They are asking this team to be more precise about what they mean. And that's essentially the summary of it. Just be precise, and then also, if possible, list out -- I think in the implementation guidance it says what the specific restrictions would be. I think those could potentially be pulled out from the sub-pro report where they talk about the varying requirements that would be needed for different TLD types. So, that's my quick summary of this slide.

DONNA AUSTIN:

Thanks, Steve. At face value, this looks like reasonable input and something we should take on board. And I think we've discussed within this group the importance of terminology and being clear about what we mean. So anything we can do to clean things up, I think would be of value to everyone. If we don't see any comments, I think we'll address the recommendation accordingly with the input. All right, thanks, everybody.

We have come to the end of our discussion on ICANN org input. We will need to reconsider our language, based on the conversation, but I think we did have some good conversations today. Just a reminder on the text, the deadline for that is tomorrow. If you need extra time, please let us know, to set our expectations about whether to assume not hearing anything

means it's all good to go or whether it means you're still working on it.

And as Ariel said, the deadline is actually today. All right, folks, so just a reminder, no call next week. We will kick off the week after that. And we also have that call with the GAC on the 15th. But we'll give you some more information about that when it becomes available. Thanks, everybody.

DEVAN REED:

Thanks, Donna. And thank you all for joining. Have a wonderful rest of your day.

[END OF TRANSCRIPTION]