
ICANN Transcription

IDNs EPDP

Thursday, 03 August 2023 at 12:00 UTC

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP call taking place on Thursday, 3 August 2023 at 12:00 UTC. We have apologies listed for Maxim Alzoba, Farrell Folly, Michael Bauland, Dennis Tan, Anil Jain, and Nitin Walia.

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.

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All documentation and information can be found on the IDNs EPDP wiki space. Recordings 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 multi-stakeholder process are to comply with the expected standards of behavior. Thank you. And over to Donna Austin, please begin.

DONNA AUSTIN:

Thanks very much, Devan, and welcome everybody to today's call. I do appreciate that it's vacation season in Europe and North America, so we're a few folks down for this call, but we will continue on. So we're going to continue through our review of the public comments from our phase one report, starting at recommendation 4.2. So I'll hand it over to Ariel to get us moving. Thanks, Ariel.

ARIEL LIANG:

Yep, no problem. This is Ariel, and I'm going to post the link in the chat. So I'm hoping you can see the screen. Let me know if it's too small, the font. So 4.2 is still part of the string similarity review recommendation. It basically says that the string similarity review panel may decide whether and what blocked variant labels to omit when conducting a comparison. And any such decision must be based on guidelines and/or criteria that justify such an omission on the basis of a manifestly low level of confusability between the scripts of labels being compared. So that's the recommendation. In fact, we didn't receive anything in the public comment except for

support from ALAC and [inaudible] and RrSG support recommendation as written.

But later on, I think last week, Sarmad actually contacted staff and he had a question about this recommendation, and he was hoping we can make the rationale more clear about it. He was wondering in terms of the blocked variant labels, what exactly these are that can be omitted in the comparison, whether it's a blocked variant labels of applied for string or blocked variant labels of existing TLDs or the strings requested as ccTLD, etc., like which blocked variant labels that can be omitted.

And then, in fact, this recommendation writes it's the panel, it's at their discretion to decide what and whether the blocked variant labels to omit based on guidelines and criteria. And he was hoping we can make this extra clear, if not in the recommendation itself, then do it in the rationale. So that's the input from Sarmad that was not submitted through public comment, but communicated to staff last week. And I wonder whether the group has any thoughts on that and whether you think this is already clear enough and there is no need to further clarify this.

DONNA AUSTIN:

Thanks, Ariel. Anyone have any thoughts on this one? Okay. I'm not seeing any hands or hearing any voices. So what we can do is given this is new information, the leadership team can have a think about this and see whether we think we need to add a little bit to the recommendation to cover off Sarmad's suggestion or whether there's some other way that we can cover it off just to

make sure that it's clear and no misunderstanding. So we can take that as an action item.

ARIEL LIANG:

Oh, that sounds good. Thanks, Donna. I'm not seeing any comments or hands, and I guess the group is okay with that. So I guess we can move on to the next one. Next one, 4.3, we've got no comments, but support from three commenters. So I'm just going to skip that. And then 4.4, we did receive a couple of comments, and this recommendation is with regard to the outcomes of the string similarity review. So basically, it says it's consistent with the 2012 AGB. If due to the hybrid model, there's confusing similarity found between applied for string or its variant against an existing TLD or its variant, then the application will be ineligible to proceed. But if confusing similarity is found between two applied for strings or their variant labels based on the hybrid model, then the two variant label sets will have to be processed in the contention set for a contention resolution. So that's the recommendation itself.

Before I go to Sarmad's input, I just want to quickly point out that in the public comment process, we received a few comments regarding .Quebec. And one was submitted by .Quebec itself and then the others through Core Association. And then they raised the key issue that basically this group is seeking input from the GNSO Council regarding whether creating any kind of exception process to enable the future application of the .Quebec with the accent will be possible. You know, whether that would be possible is something the group isn't sure about, whether it's within the limit of this group. And that's the core issues basically regarding string

similarity review and how to handle the consequence of that. So basically we're parking these comments for now until we hear back from the GNSO Council on whether it's indeed within the scope of this group to tackle.

Then for the other comments, we didn't really receive any other things except for support recommendation as written from three parties. And again, Sarmad did raise a point via staff channel last week about something he spotted and it could potentially be an oversight, is that in our recommendation, we only mentioned in the first bullet point, applied-for primary gTLD string or any of its variant label is found confusingly similar to existing gTLD or ccTLD or any of its variant labels. But if you look at the 2012 AGB, there's also mention of confusingly similarity to a reserved name and also confusing similarity to a two-character ASCII string. So if such confusing similarity is found, then the entire application is ineligible to proceed. So basically if you look at the cell, the sentence that's in red color. So we have covered existing gTLD, existing ccTLD, but the part we probably forgot to cover is about the reserved name and two-character ASCII string. So basically his suggestion is we add these to the first bullet point to make it comprehensive and also consistent with the 2012 AGB. So I just wonder what the group think in terms of this input, whether you think this is accurate and it's indeed an oversight or whether you have a different thought on this. So I will stop here.

DONNA AUSTIN:

Thanks, Ariel. I know it's always a little bit of a challenge when you see things for the first time to understand the applicability or the consequence. So it seems to me that this may have been an

oversight on our part when we were doing the string similarity review. So I think for completeness, it's probably something that it makes sense to add in. But if anyone thinks otherwise, appreciating that you haven't, this is the first time you're seeing this, it would be good to know. But otherwise, I think that what Sarmad is suggesting is probably okay. All right. So Satish is okay. Hadia is OK. Justine's okay. So I think we'll accept Sarmad's suggestion and include that in the recommendation. Thanks, Ariel.

ARIEL LIANG:

Thanks, Donna. Thanks, everybody, for providing comments in the chat. So we'll move on. We're going to move on very quickly now because most of the following recommendations received no comments but just support. So 5.1 falls into that category. 5.2 falls into that category. And So 5.3, so I would just quickly mention what this recommendation is about. So this is about the outcomes of string confusion objection. And basically, we're saying based on the hybrid model, the outcomes of string confusion objection is still consistent with the 2012 AGB. And the first bullet point says if the objection prevails where the objector is an existing TLD registry operator, then the application is ineligible to proceed. And if the second bullet point objection prevails where the objector is another applicant, then both applications will be placed in a contention set. And then the third bullet point is if the objection does not prevail, then the application in question may proceed to the next stage of the application process. So that's the recommendation itself. And ICANN Org is the only one that provided comments. The others are either support as written or no comments.

So it says inclusive of the entire set. I think that's the phrase that we kind of included in 5.3. Regarding this phrase, ICANN Org suggest that IDN-EPDP revise the language of recommendation 5.3 to be consistent with the language used in other applications, recommendations in order to avoid any opportunities for misinterpretation. For example, recommendation 6.2 says the entire variant label sets of an applied for primary gTLD string, no matter whether it is an ASCII string or an IDN string must be processed in the contention set.

So I think this point is specifically applicable to the second bullet point in this recommendation because we are talking about place the application in the contention set. So basically, ICANN Org is suggesting we use the same language when we talk about what is placed in the contention set is the entire variant label set of the applied for primary gTLD strings. So that's the comment. And any questions or input from the group?

DONNA AUSTIN:

Okay, I'm not seeing any hands or anything in chat. Satish is—I agree to changing the recommendation for consistency. And I think we were conscious that consistency is important. I guess what's important here is to make sure that the intent of recommendation 6.2 is the same as what we're trying to achieve here with recommendation 5.3. So I agree on a consistency basis, from a consistency perspective, we should keep the language the same. But I'd just like to make a comment there that leadership will ensure that there's nothing here in what's being suggested that will would inadvertently change the intent of the second dot point in recommendation 5.3.

ARIEL LIANG:

Sounds good. Thanks, Donna. And thanks, Satish for putting the comment. Also, Jennifer. And I guess if no more comments, we will move on to the next one. This falls in the category of no specific comment received. So 5.4 only supports recommendation as written, but no other comments. Same for 5.5, same for 6.1. And then we're getting to 6.2. So this recommendation is talking about the variant labels that are being processed in the contention sets. So that's the recommendation itself is that if confusing similarity is found between two applied for string and their variant labels, then their entire variant label sets must be processed in the contention set.

And then ICANN Org provided this input. I categorized this as support recommendation intent with wording change. It suggests clarification from the EPDP team regarding the definition of processed in this context. The understanding is that applications containing a group of elements being similar, according to the rounds rules, should be placed into a contention set. Can the EPDP team confirm if they agree with this assumption? If not, further clarity is needed regarding this recommendation.

So basically the word processed may be a little vague and ICANN Org is asking for clarification of that. And also there is a question as to whether application containing a group of elements deemed similar according to the rounds rule should be placed into a contention set. That's the assumption, but I think that's the right assumption. However, will defer to the group to answer. I will stop here. And I see Nigel has a question. So do we mean included in a contention set? Yeah. So I will stop here.

DONNA AUSTIN: Thanks Ariel. So Nigel, I think included is part of it. And I think the other part of it is ensuring that I guess the consequence applies to the pieces of the set as well. So I guess we just need to give some thought to how we best provide that clarity in this recommendation.

Justine has a suggestion that perhaps 6.2 could read as the entire variant label set of an applied for primary gTLD string, no matter whether it is ASCII string or IDN string that is placed in the contention set must be processed together. That's a possibility, but I think we need to define—I assume Sarmad is on the call, but I may be wrong, but it seems to me that there's a little bit more of an ask here with explaining what we mean by processed. So I think we're getting the gist of it, but I don't think we're quite there in terms of what the problem is here. Justine?

JUSTINE CHEW: Thanks. So when I read, I believe Sarmad's comment, I see two points. One is definition of process. So perhaps we can use evaluated rather than process. Okay. So that's an amendment to my suggested amendment. The second point about his comment is regarding the rules that groups of elements deemed similar should be placed into the contention set. So that's the other element that I see may be problematic in our original text, because our original text just says must be processed in the contention set when actually it's supposed to be placed in the contention set and then processed together. So it's sort of like a reverse kind of thing. So that's the two elements that I think he's

bringing up. And if he's on the call, then he can obviously establish whether I'm right or wrong. And I would welcome that. Thank you.

DONNA AUSTIN:

Thanks Justine. We have Pitinan with us today, but we don't seem to have Sarmad. Okay. So I think we've got the gist of the point that's being made here. So we can work a little bit with what we mean by processed and Justine's suggestion for maybe it's evaluated, but just double check to make sure that we're addressing the concern that's being raised. So we can take that as a leadership follow up. Okay. So it looks like we're good on that one.

ARIEL LIANG:

Okay. Sounds good. Thanks. Thanks, everybody. Moving on to 7.1. So we got one comment from [RySG] and I believe it's a support recommendation intent with wording change. So 7.1 says any future IDN gTLD along with its variant labels, if any, must be subject to one registry agreement. So RySG says the understanding intent of this recommendation is to ensure the integrity of the variant set and treat all variant labels of a primary IDN gTLD string the same. We suggest amending to read any future IDN gTLD along with its variant labels, if any, must be subject to one registry agreement. And then that's the new addition from RySG with substantially similar SLAs and other operational requirements for each variant label. So that's RySG's suggestion to add this bolded text after registry agreement. Any thoughts about this one?

DONNA AUSTIN: Thanks, Ariel. So I know that Dennis isn't with us today and neither is Maxim. Jennifer, not to put you on the spot, but I know that you're with us. My reading of this is that given the variant labels will be in one registry agreement, so you might have two or three strings that are in the registry agreement now as opposed to just one, that within the individual strings that they will have similar SLAs. So it will be broken down by string and SLAs. So I think that's what it's trying to get to. But Jennifer, do you have some insight into this? Go ahead, please.

JENNIFER CHUNG: Thanks, Donna. So when we were going through the recommendations with the stakeholder group, there were some questions regarding the one registry agreement, specifically when we were talking about the SLAs. And I think this was the language that the stakeholder group was okay to add because there was concerns that even the service level agreements will need to be a single one for this. And this is why we wanted the clarification added here. And I think it doesn't change the intent of any recommendation, but I'll just stop here with this clarification.

DONNA AUSTIN: Thanks Jennifer. Does anyone have any thoughts on this or any opposition to the inclusion of the language suggested by the Registry Stakeholder Group? So within a registry agreement at the moment, there are obviously a number of SLAs that a registry operator has to comply with. And most of those will have

compliance action if they're not complied with. So I guess this is just spelling out that the SLAs for each variant label are the same. So I think it's a point of clarity, which is okay. Justine?

JUSTINE CHEW: Yeah, thanks Donna. I think in principle, I don't have a problem with the additional proposed text. But there's something niggling at me. I'm just wondering whether it could end up causing some unintended consequences. So I wonder if we could just take some advice from our colleagues at GDS to see if it doesn't cause any problems.

DONNA AUSTIN: Thanks Justine. Nigel?

NIGEL HICKSON: Yes, good afternoon, I think I had the same, and you know, not an expert, but it does seem to go further than the recommendation. So I'm not saying it's not a good idea, but I think we just need to take some further advice on this, perhaps, because it does seem to go one step further. Thanks.

DONNA AUSTIN: Okay, thanks, Nigel. So Jennifer, don't know if you have any response to the comments from others. But similarly, if we're going to go off and get some guidance from GDS, it might be good to also have the Registry Stakeholder Group have a look at this and just see if there's anything that could be added here or any

additional information as to why this is being suggested that might be helpful to our conversation. That would be appreciated.

One thing that does strike me with this is that I would have thought rather than substantially similar SLAs, I would have thought rather than substantially similar, it would be the same SLAs and other operational requirements. So that's a little bit of a question that arises for me.

JENNIFER CHUNG: I'll be happy to bring this back to talk to the stakeholder group about this. And also, I guess I'll bring back the point that there is cautious agreement with it, but the group will need some guidance from GDS. I'll also bring back your suggestion with the last part of the phrase, and I'll bring back the explanation from our group. Thanks.

DONNA AUSTIN: Terrific. Thanks, Jennifer. Okay. All right. So there's nothing else here, Ariel. I think we can move on.

ARIEL LIANG: Yep. And thanks, Jennifer and other folks who provided input on this comment. And also, I [pinged] Michael and he will check with GDS colleagues on this one. Thanks in advance, Michael.

7.2, we received only support recommendation as written and no other comments from other folks. And 7.3, we did receive a comment, actually a couple of comments, one from ICANN Org,

the other from CCWP human rights. So I'll just quickly remind folks what this recommendation is about. It says any existing IDN gTLD registry operator from the 2012 rounds that applies for its variant labels in the future must be required to enter into a separate new registry agreement for the newly approved variant labels while maintaining the existing registry agreement for its existing IDN gTLD. So we also have this asterisk sign and this phrase that kind of highlights this recommendation only impacts existing IDN gTLDs from the 2012 round. And the agreement is basically remove this asterisk to somewhere else so that it doesn't confuse the reader that it is something part of the recommendation. It's definitely not. But basically, this recommendation only applies to existing registry operators that apply for variant labels in the future.

So this is the recommendation. And ICANN Org provided some comments, although it didn't specifically select this category, significant change required. I put it here because I thought this seems appropriate to categorize the level of concern. So it says to reduce complexity as well as maintain consistency. ICANN Org to suggest that the EPDP team considers revising this recommendation to ask existing gTLDs to adopt the contractual terms subject to the IDN gTLD and its variant labels, which accommodates primary and variant TLDs. This will ensure uniformity in the use of registry agreement by all registry operators, including both existing and new IDN gTLD ROs with variant gTLDs. It will also adhere to affirmation 36.2 from subgroup PDP, which says the working group affirms the current practice of maintaining a single base registry agreement with specification. Furthermore, ICANN Org recognized that the level of

specificity in this recommendation may surpass the intended scope of the EPDP team, and ICANN Org is committed to identifying the most suitable solution within the given parameters established by the EPDP team.

So that's the Org's comment. I think in summary, it basically feels uncomfortable about the EPDP team recommending have a separate new registry agreement for the newly approved variant labels. I think the Org is suggesting just stick to one registry agreement, basically, not to have separate ones, even for the existing gTLD registry operators from the 2012 round.

And I note that Hadia has her hand up, but I just want to quickly go through CCWP human rights working party's comment before I stop for input from this group. So this group, they didn't select this category significant change required, but I think it's appropriate to note it here. So they said, they note there are two preliminary recommendations that are contradictory. 7.1 states that future IDN gTLDs along with its variant labels must be subject to one registry agreement. But 7.3 states that for the existing ROs that applied for variant labels in the future must be required to enter into a separate new registry agreement just for the variant labels.

They urge harmonization to ensure that all contracts are treated the same whereby any existing registry operator from the 2012 round that applies for its variant labels in the future will be required to amend their existing contracts to include the variant labels. This will improve transparency for registrants, particularly those who are not deeply familiar with ICANN documentation. I think it's kind of similar concern and want to just get one registry agreement for

existing registry operators instead of have separate ones. I will stop here and I guess Hadia can go ahead first.

DONNA AUSTIN: Go ahead, Hadia.

HADIA ELMINIAWI: Thank you. This is Hadia for the record. So I kind of agree that we are saying that we want to have one single agreement and our suggestion sort of contradicts our other recommendation. So I do tend to agree with the comment of ICANN Org.

However, I raised my hand in order to discuss the part where or ask about the part where ICANN Org says about our scope and how specific we can or cannot be with regard to the contracts. And I do see here that they do have a point, and now I wonder actually if we as a group could actually be that specific when it comes to the registry and registrars' contracts. So thank you.

DONNA AUSTIN: Thanks, Hadia. My memory of the discussion that we had around this is we felt that there are difficulties with having what a current registry operator has signed up to a contract from the 2012 round and in this case, the registry operators have had the same contract for 12 years more or less. So that's what they've been complying with.

I think one of the reasons that we agreed that the existing registry operators stay on the current agreement that they have and any

variants that they applied for separately would have a separate agreement was because of the complexity that could be associated with melding the two agreements. So I think that was part of the rationale as to why we went down this path. So perhaps I haven't recalled that correctly.

On the issue of scope, that the charter question says to me that this is within our scope. So I don't know where the scope question came from. But certainly taking the point that it could be considered inconsistent because we're saying one registry agreement should apply, but with the exception that if you're already a registry operator.

So perhaps there's a way to perhaps soften recommendation 7.3 that suggests that the existing registry agreement stays in place until such time as a new registry agreement is available or can be negotiated to incorporate the primary and the variants. So that's a possible way that we could address this, is just to soften that preliminary recommendation 7.3. But I'd be interested to hear from others. Jennifer, go ahead.

JENNIFER CHUNG:

Thanks, Donna. I've typed that before you finished your very comprehensive input. And I think we tend to agree, at least along with the stakeholder group. I think originally when this was discussed in our group here, there were some concerns, especially from the registries, that there will be difficulties. And this is why I'm seeing again, there's an asterisk here. The preliminary recommendation only impacts existing IDN gTLDs from the 2012 round.

But regarding softening this recommendation, I don't think there will be any resistance from the stakeholder group. I think it is important that the IDN EPDP does have consistent recommendations. I don't see a direct inconsistency here, but I can see if we go into it further that there could be questions that come up, especially as you know, what Org has pointed out. I know they do tend to want harmonization and conformity with contracts, especially in terms of compliance. So I would appreciate if we take a look at it a little bit more. I don't know, Donna, if you're intending for us to discuss it or if leadership would have any suggestion or suggested text here, but happy to go forward with discussing this.

DONNA AUSTIN:

Thanks, Jennifer. I think it would be helpful to get some feedback from the registries on whether 7.3 is something that they feel strongly about or whether some kind of softening of it that enables the interpretation to be that ultimately they would have one registry agreement to cover their existing plus the additional variants that they applied for. But I think it was really the complexity and some of the experiences that registry operators had had in negotiations with the 2012 registry agreement, particularly when something was a little bit different. That was a big stumbling block for some. So that was the caution, I think, from the registries when we had the discussion. Edmon?

EDMON CHUNG:

Thank you. And speaking personally. So it seems like the direction makes a lot of sense, not only softening. Perhaps if the original

concern was in terms of the complexity, but ICANN Org seems to think that it is manageable, then in some ways we probably could defer to that. So softening part could be some sort of deference to the implementation side, especially from ICANN Org. But the emphasis should, I guess, the emphasis is always the rule that it should be one entity, one agreement in spirit. I guess when we talked about it, the concern was that we might actually need a separate one in the transition, but perhaps ultimately it would eventually transition into one agreement. And that's something that I don't think at a policy level we need to probably dictate, but rather perhaps focus on the principles.

DONNA AUSTIN: Thanks, Edmon. Justine?

JUSTINE CHEW: Just going on this, I suppose, this direction of softening the language, as people are saying, perhaps we would want to consider putting as the main principle that there should be one agreement, one registry agreement, where feasible for, I mean, in respect of existing registry operators, there should be one agreement, one single agreement where feasible. And if not, then we could consider the exception of a separate agreement or something along those lines.

DONNA AUSTIN: Yeah, I think probably the word that I picked up with Edmon is transition. So I think we do need to recognize that there probably

would be a transition period. Have we lost Ariel, perhaps? Or is it me?

DEVAN REED: I'll check in with her.

DONNA AUSTIN: Okay, thanks. All right, we've lost Ariel, which is always a problem. Okay, so I think what I'm hearing is that there's some appreciation for the comments suggested by ICANN Org. There could be a perception of inconsistency. I don't think it's out of scope for us to be suggesting different agreements. But I think there is a will within this group to ultimately aim for one agreement for the existing registry operators and future variants that they may apply for. But there's potentially a transition period. And obviously, we would want to make some comment that the existing registry operator is not disadvantaged by any need to renegotiate or something like that because of the two agreements. Okay. So Ariel's gone, which means ...

JUSTINE CHEW: I think Dan is going to step in while Ariel reestablishes her internet connection. So we can ask Dan to share screen? Okay.

DONNA AUSTIN: And for those of you who don't know, Dan has recently joined our staff support and leadership team. Emily had to step away from this work. So Dan is the replacement. And hopefully, Ariel is okay.

All right. So I think we're done with 7.3. We're not completely done. We've still got a bit of work to do. And we'll come back and have another conversation around this. So we're not completely done. But I think we've got a path. Yes, implementation guidance 7.4, Dan.

DAN GLUCK: So it looks like 7.5 is the next one that has a comment listed.

DONNA AUSTIN: Okay. So 7.5 is the registry fee, the registry fixed fee for an IDN gTLD registry operator that operates the delegated gTLD label or labels from a variant label set must be the same as a gTLD registry operator of a single gTLD. And there's a suggested change here from .Quebec, which is the recommendation, so the registry fixed fee must cover the delegated gTLD ASCII and the IDN and their variants. So it's a little bit hard to consider this comment at the moment because the overall suggestion from .Quebec is something that we can't address at this time. So other than that, I don't know that we have any other comments. Justine.

JUSTINE CHEW: Yeah, I think you covered what I was going to say. So in terms of the comment, it says there are variants. So I think the issue is what they consider as variants, which is part of the question that we have sent back to GNSO Council for addressing. Thank you.

DONNA AUSTIN: Okay. Thanks, Justine. Okay. So I guess we'll go to 7.6, Dan. Okay. So 7.6, the calculation of the registry level transaction fee must be based on the cumulative number of domain name registrations of...

JUSTINE CHEW: What's going on today?

DONNA AUSTIN: We have some gremlins, I think. Must be based on the cumulative number of domain name registrations of the combined delegated gTLD labels from a variant label set. And so again, some suggestions from .Quebec, which are specifically really related to the suggestion that there's an IDN gTLD category, which we don't have at the moment. So that's again, something that we can't address until we have some feedback from the GNSO Council.

Alrighty. So okay. 7.7. Okay. So the registry service provider for each one of the critical functions is defined in a base registry agreement for an existing IDN gTLD from the 2012 round, must be the same as for its delegated variant labels. The critical functions are DNS service, DNSSEC proper resolution, EPP, RDDS and data escrow.

So again, a comment from the CCWP on human rights. So we note that there are various recommendations 7.7, 7.8, 7.9, 7.12 and 7.13, which discuss registry transition or change of control process and therefore their implications for the right to privacy. Unfortunately, none of these recommendations are worded in accordance with the internationally recognized data protection

principles. For example, preliminary recommendation 7.8, which is the next recommendation, states if the registry operator of an IDN gTLD changes its backend registry service provider, that IDN gTLD and any delegated variant labels associated with the IDN gTLD must simultaneously transition to the new backend registry service provider. This formulation creates a risk that personal data is retained in the old registry following the transition, increasing the exposure of registrants to the potential for breaches and misuse. We therefore urge ICANN to redraft these recommendations in full accordance with applicable data protection principles, including purpose, use limitation, data retention limitation, data destruction and secure transfer.

So not being, and looks like Ariel might be back with us, not being a subject matter expert on this, but I guess my assumption is that those requirements will be built in as part of the processes that a registry operator has to follow in making those transitions. And I think registries and registrars are certainly very much aware of their requirements in this space. So I guess it's a question of whether we want to make an overarching statement or recommendation to ensure that whatever happens in this space complies with privacy regulation or with there's some other way we can handle it. Justine.

JUSTINE CHEW:

Yep. Thanks. So a couple of things. One is they're kind of addressing this comment to ICANN and not to us per se, because it says we therefore urge ICANN to redraft. So that's number one. So I'm not sure whether they actually need us to do anything in this respect.

Number two, I tend to agree with you that what they're asking for is probably a better addressed at an overarching level. So in that sense, I tend to think that it's out of scope for us because we are dealing with specific things and not overarching principle things like data protection, which ICANN already has policies for, which would apply in any case. So I'm not too sure that we need to do anything about this comment as the EPDP. Thank you.

DONNA AUSTIN: Thanks, Justine. Nigel?

NIGEL HICKSON: I fully concur, actually, with what's just been said. You know, I think if we added specifically a caveat here that any transfer or whatever should be subject to data protection concerns, then we'd have to do it in many different areas. I mean, we're not sort of evoking anything here. We're just talking about a process that should be carried out. And in any process that's carried out, if data is retained or transferred or whatever, then that will be subject to data protection requirements. So I think it's not for this specific recommendation. Perhaps we need something as a chapeau in the overall eventual text, but not here. Thanks.

DONNA AUSTIN: Thanks, Nigel, and thanks, Justine. So perhaps the best way for us to deal with this is just as Nigel just suggested, in whether it's within our introductory section or I don't know if we've got another section where we qualify certain things, but we can pick that up there. You know, the assumption is that all privacy regulations and

whatever would be followed in whatever recommendations are applied at the time that any of the recommendations are applied or something like that. Okay. So I think that's our path forward on that one. Okay. So, Ariel, we're on 7.8.

ARIEL LIANG:

Yes. Thanks, everybody. Sorry about the disruption and thanks, Dan and Donna and others for stepping in. So 7.8, we also received mostly support recommendation as written, but we did receive a few others from ICANN Org and also CCWP Human Rights Working Party. So 7.8 says if the registry operator of an IDN gTLD changes its backend registry service provider, that IDN gTLD and any delegated variant labels associated with that IDN gTLD must simultaneously transition to the new backend registry service provider. So ICANN Org's comment says it acknowledges the similarity between 7.7 and 7.8. However, it is important to note that while 7.7 explicitly mentioned the relevant critical functions, 7.8 does not. To minimize the potential for misinterpretation and ensure consistency, ICANN Org suggests that the team either clarifies the distinction between the two recommendations or use similar wording in both recommendations.

Another comment is that the team may further consider aligning the wording with recommendation 25.5 from the SubPro final report, which recommends having the same backend registry service provider. So that's ICANN Org's comment. It's basically for consistent wording, consider some revision to 7.8.

And for the Human Rights Working Party, their comment is basically the same. It's about the data protection principles. But I

think the treatment of this comment should be the same as the treatment for 7.7. They in fact provided the same comment for another three recommendations. So that's the input we received from public comment. And I'll stop here and see whether there's questions and comment from the group.

DONNA AUSTIN:

Thanks, Ariel. So does anybody recall why 7.7 calls out the critical functions and 7.8 doesn't? I don't know whether it's because 7.8 is specifically about the change of a backend registry service provider. But I think they're talking about two different things. Maybe someone, Edmon, or somebody who's a little bit more technically minded, what's the distinction being made here? For me, it seems that 7.8 is specifically about the change of a backend registry service provider, which is your registry, whereas 7.7 is more about the critical functions. But I don't know. Just looking at it now, I don't know why the two are different, or what's the distinction that we're making. But I think it's important to understand why we're making the distinction to see whether we need to have the same language or not. So, Ariel, and then Justine.

ARIEL LIANG:

Well, maybe I would defer to Justine first. She would probably say something I would want to say.

JUSTINE CHEW:

Thanks, Ariel. I'm not entirely sure, but I think 7.8 deals with change, and 7.7 doesn't. So, 7.7 just basically says that whichever

provider that they're using for a particular critical function has to be the same, right? And then if there is a change in one of those, then the change has to be universal, so to speak. So, what I said earlier, 7.7, and then the change is 7.8.

DONNA AUSTIN:

Yeah, so it seems to make sense that we do include the providers of the critical functions as well, because I think the intent is that with any change, it's not just to the backend registry service provider, but also those other service providers that potentially provide DNS, DNSSEC, or the others. So, acknowledging that in some cases the registry operator is going to use the same service provider for all of those, but in some cases they're different. So, if one's about what you do in the case of a change, then I think we do need to include the services. Ariel?

ARIEL LIANG:

This is Ariel, and I have the same observation as Justine, and I think if we want to do a rather quick fix of 7.8, it's basically just add critical function, this phrase, somewhere in this recommendation. For example, the first sentence, if the registry operator of an IDN gTLD changes its backend registry service provider for any of its critical function, then the variant labels must be transitioned to the same backend registry service provider for the same critical function. Like something along that line, just to add critical function there in order to achieve consistency as what the work recommended.

DONNA AUSTIN: And minimize the potential for misinterpretation. So, yeah, I think we have to harmonize, as Justine suggests, 7.7 and 7.8. Okay. All right. Looks like we're in agreement on that one. Okay. 7.9.

ARIEL LIANG: All right. Sounds good. So, I take that the same kind of treatment for the CCWP's comment at 7.7 for 7.8.

DONNA AUSTIN: Correct. I think if we're going to go with an overarching statement, and particularly because they've picked up on 7.8, 7.9, 7.12, 13, and 7, then I think an overarching statement is definitely the way to address it.

ARIEL LIANG: Okay. Sounds good. So, 7.9, yeah, we only received comment from CCWPHR, same comment. So, we're going to skip that. And 7.10, so we did receive a comment from ICANN Org. So, this recommendation says after the registry transition process or change of control process is initiated for an IDN-gTLD and it's allocated and delegated variant labels, only the successor registry operator can applied for the other non-delegated allocatable variant labels of that IDN-gTLD. So Org's comment, I categorize this as support recommendation intent wording change. To minimize any potential for misinterpretation and ensure clarity, ICANN Org recommends removing the term "successor" from this recommendation, and instead including a statement that explicitly affirms the application of the same entity principle in this context. So, that's what Org's comment is about, removing "successor," but

reaffirm same entity principle applies in this particular scenario.
Any thoughts about this?

DONNA AUSTIN: Hadia.

HADIA ELMINIAWI: Thank you. So, have we actually used the term "successor registry operator" before? So, I guess ICANN Org's comment, in my opinion, it does make sense. So, the same entity principle does apply here. And unless we are extensively using the term "successor registry operator," I don't think we need it here. Thank you.

DONNA AUSTIN: Thanks, Hadia. So, I note that Nigel says in chat that he thinks successor is clear in this context, and I tend to agree. And I appreciate what you're saying, Hadia, that no, I don't think we've used the term before. I assume that in our rationale, we explain what we mean by "successor." And I think the point really is that all rights from the former registry operator have now been waived. So, Satish is suggesting that we define "successor" in the glossary. So, I guess where there's been a change of ownership with the gTLD, that that's what we're talking about with "successor." Does ICANN have any standard terminology for this? No idea. I guess if there was language, it might be in the registry transition process itself, or the change of control documents. "Designees." Okay. So, so ICANN Org's point -- I mean, they're suggesting we include a statement that explicitly affirms the

application of the same entity principle in this context. We could do that, but I still don't see the harm in the term "successor." All right. So, Justine's suggesting that we can ask GDS or have a look at the process document. So, I guess we can see if there's a the term "successor registry operator" has been used before, whether it has a specific meaning or not. But I think the intent here in the recommendation was pretty clear, so we don't want to take away from that either. Justine?

JUSTINE CHEW: Yeah, I mean, I don't see the harm in using the word "successor." I think we understand what we're talking about. Perhaps somebody who's reading it for the first time may not. So, one possible alternative would be to just work into the recommendation text, making a reference to same entity principle.

DONNA AUSTIN: Yeah. Yep. So, the same entity principle applies after a registry transition process or something like that. But I agree, if we can work that language in, then we will do that. But nobody has any strong objection to using "successor" here, so I think we can probably stay with that. Just try to marry it with the same entity principle. Okay. Alrighty. So, we'll try to do that. We'll find a way to put in the same entity principle into the recommendation, but we'll keep "successor."

ARIEL LIANG: That sounds good.

DONNA AUSTIN: And Ariel, it's quite possible that there is no official reference to "successor." It may not be a term that currently exists. So if you do find an official reference for "successor" and we're using it in the wrong context, then we have to deal with that. But just beware that there's also the possibility that the term isn't used in any of those documents either.

ARIEL LIANG: Yeah, thanks for the note, Donna. I will double check. Just based on my recollection, I have seen this on at least ICANN website when they're talking about the registry transition process. So, I grabbed that word from the ICANN website content, but I will reconfirm. And if I can find it, I will make sure to include that in the note.

DONNA AUSTIN: Yep. So, that's good. That's a positive outcome if that's the case.

ARIEL LIANG: Yes. Okay. So, thanks, everybody, for the comments. And moving on, 7.11, we only got support recommendation as written. There were a few folks selected, but no issues. And 7.12, it's the same situation. The CCWP HR, Human Rights Working Party, they provided the same registration data comment. So, that will be addressing this overarching statement from the group. And then 7.13, same situation, Human Rights Working Party's comment and will be addressing the overarching statement. And 7.14, that one

we did receive a comment from ICANN Org. So, this is the implementation guidance. It says the escrow data associated with each gTLD variant label should be stored in separate files. So, I think that's talking about the data escrow related requirements. And then this is implementation guidance regarding data storage in different files for different variant labels as they are, in fact, technically speaking, individual gTLDs in the root zone. So, that seems to make sense.

So, ICANN Org's comment, it's categorized as support recommendation in 10 with wording change. It says to facilitate a simplified implementation process for ICANN Org, data escrow agents, registry operators, and registry service providers, ICANN Org recommends that IDN EPDP team offer implementation guidance that explicitly state that variant TLDs should be treated as distinct TLDs in the business-to-business interactions related to registry agreement. So, these business-to-business interaction includes registry operator, registry service providers interaction with ICANN system and data escrow agent system. To clarify registry operators, registry service providers, and data escrow agents interact with ICANN through various interfaces, including BRDA, ZFA, NSp, and RRI. Sorry, I don't really know these acronyms, what they stand for, but I believe experts in the room probably know. Registrar transaction reports, registry functions, activity reports, data escrow deposits reports, and data escrow deposit notification. Actually, this may be the explanation of these acronyms. These interfaces recognize the top-level domain as a primary identifier.

So, I believe what ICANN Org's comment is getting at is basically just have an overarching kind of implementation guidance that says that each gTLD variant label should be treated as a distinct TLD for any kind of business to business interaction related to the registry agreement. And then the data escrow is part of that. But there may be other aspects that we're not covering yet in this initial report, and those will be covered as well, similarly to how data escrow is handled. So, I think that's what the Org's comment is getting at, but I will stop here and see whether there's any comments and questions from the group.

DONNA AUSTIN:

Any thoughts on this from folks? So, one thing that strikes me is that this may be what Org is suggesting is a bit broader than what the charter question was asking. And it may have, I think, I'd be particularly interested to hear from our registry members on this one, just to make sure that there's no concern that this is going beyond and involving additional requirements that weren't anticipated from this original implementation guidance. And if everything's okay, then everything's okay. And Nigel, yes, you're correct. This is, but is this not implementation rather than policy? It's implementation guidance. Do we have a recommendation that this—sorry Ariel, I hadn't picked up on the IG. So, is this implementation guidance for 7.13?

ARIEL LIANG:

Yes, that's correct.

DONNA AUSTIN: Okay. Yeah. Okay. So, 7.13 is only about data escrow. So, yeah. Okay. Edmon?

EDMON CHUNG: So, for the response from ICANN Org on this, I'm a little bit concerned in a sense that if we imagine that escrow and other providers are completely agnostic or ignorant to IDN variants, we have a problem. I think, yes, we can try to simplify things for them, but these providers should know that there are things that is IDN variants as well. And even though it might not affect their operations that much, there should still be awareness. This description from ICANN Org appears to me to be worrisome in the sense that they could be completely ignorant of having IDN variant TLDs. So, whereas I think it's okay to adjust the wording and the concept and all that, but I think it's important also to note that escrow providers and others need to know that there is this thing, IDN variants, and they better understand how it works.

DONNA AUSTIN: Okay. So, I'm not sure which way to go on this. So, I guess what I'd like to ask folks to do is just have a think about this and come back and maybe we'll explicitly draw this out in the notes from this meeting to ask if folks have some further thoughts on whether this is okay or not. Hadia.

HADIA ELMINIAWI: Thank you. This is Hadia for the record. So, I don't know. So, is it possible to just add a recommendation that states clearly that variant TLDs should be treated as distinct TLDs in the business-

to-business interactions related to the registry agreement? So, that would basically cover everything.

DONNA AUSTIN:

That's certainly a possibility, Hadia. Okay. So, Dan, let's call this out in the notes and ask for thoughts from folks on the list and see whether we get any kind of feedback that way on the best way to go ahead with this.

ARIEL LIANG:

Thanks, everybody. And we also will chat with Michael and his team and see whether they have any specific suggestion how to amend this recommendation if they already have a certain idea. Sorry. It's the implementation guidance, actually.

So, 7.15, we didn't receive any specific comment, but only support recommendation as written from four commenters. We're moving very fast, by the way. So, recommendation 8.1, so that's the one we already had extensive discussion about last meeting. So, basically talk about the no ceiling value is specified. And just as a refresher for the group, what we understood is there will be no change to this recommendation despite the concerns that we received from ICANN Org and also BC. But the agreement is to enhance the several implementation guidance. It's 3.6, 3.8, and 3.9. These are related to the evaluation of a variant application. So, the applicant has to talk about the need and its technical capability to manage variants. So, the agreement is to enhance those implementation guidance in order to balance out the lack of ceiling value requirement. So, the agreement is to keep this

recommendation as is. I just want to refresh folks on the kind of conclusion of this discussion for 8.1. And I'm not seeing hands or comments, and I guess that's captured accurately.

DONNA AUSTIN:

And I just want to give folks a chance, whether there's any change to the thinking or whether you've been back to your groups and had a conversation about this that reaffirms where we got to on the call last week. So, if there's any feedback to say that what we discussed last week still stands and that we're all still on the same page, that would be helpful at this point as well. Okay, nothing immediate, so let's go, Ariel.

ARIEL LIANG:

Okay, sounds good. Next is 8.2. We did receive a few comments here. So, 8.2 says in order to encourage a positive and predictable registrant experience, a framework for developing guidelines for the management of gTLDs and their variant labels at the top level by registries and registrars must be created during implementation. So, this recommendation is to compensate, again, 8.1, because we didn't set a specific ceiling value. So, creating a guideline could potentially help the management of the variant gTLDs. But another thing the group recognized is that it probably, the guideline cannot be developed so fast before any actual variant gTLDs are implemented at the top level. So, it will probably take some time to develop such guidelines. But during implementation of this recommendation, a framework for those guidelines can be developed. So, that's what this recommendation is getting at.

So, we did receive a comment from RySG. They support recommendation 10, but with wording change. So, it says in order to encourage a positive and predictable registrant experience, a framework for developing non-binding guidelines for the management of gTLDs and their variant labels at the top level by registries and registrars must be created during implementation. So, it suggests to add the word non-binding before guidelines, and the rest of the recommendation stays the same. So, that's RySG's comment and welcome any additional inputs for this specific suggestion. And I just want to quickly go over the other comments.

So, we received ICANN-Org's comment. I put it as the significant change required in this category. So, it says regarding the framework mentioned, ICANN-Org requests clarification concerning the entity or entities responsible for its design and development during the implementation of IDN-EPDP recommendations. Clarification is also requested on the preferred method of dissemination for the future guidelines that will be developed should the guidelines be integrated into the IDN implementation guidelines. So, it's basically two questions. One is who's responsible for developing the framework. Second is how the guidelines will be disseminated in the future. Is there any specific mechanism the EPDP team envisions to use in the future? So, that's ICANN-Org's comment.

And finally, the Human Rights Working Party has a comment as well. Staff categorized it under significant change required. It says the recommendation is not clear on who would be responsible to develop the framework and also does not give a clear timeline for its development. We thus urge amendments to the

recommendation to ensure that this framework is developed and agreed up prior to implementation in order to provide full information to potential applicants for gTLD strengths and also in order to ensure that this framework is developed in a multi-stakeholder manner with full transparency to ICANN community.

So, I think there's some valid point but also some other misreading of the recommendation itself from the Human Rights Working Party. But I think they have a similar question about who's responsible for developing the framework as ICANN-Org. And I will stop here. I see Justine has her hand up.

JUSTINE CHEW:

Thanks, Ariel. This is Justine. So, these are my thoughts, obviously. So, when the CCWPHR talked about not clear timelines for its development, I think that is a misunderstanding because we said that it must be created during implementation and we understand implementation to happen before the round can be launched. So, I think that's clear, to me at least.

As to who is responsible for developing this framework, that is a valid question which I don't think we have addressed. And I'm going to go out on a limb and suggest that it should be ICANN-Org and probably build in some kind of process for public comment, that sort of thing.

DONNA AUSTIN:

Thanks, Justine. Jennifer?

JENNIFER CHUNG: Thanks, Donna. I just wanted to add some, I guess, clarity on the registries' suggestion. So, our rationale for adding the bolded phrase "non-binding" is specifically because we don't really have clarity on the preliminary recommendation on who is responsible for that. And that is why the registries do want to make sure we still do have the flexibility on the, I guess, the various management techniques that registries and registrars do currently practice in operations. If we do have, I guess, further clarity on who will be responsible for developing these guidelines, I think we may revise our stance here. But as it is, this is what we think. Thank you.

DONNA AUSTIN: Thanks, Jennifer. So, I think on the non-binding suggestion from the registries, I don't know if folks are aware, but in recent times, the registries and registrars have developed a number of guidelines for other registries and registrars on how to approach certain things. And it's always, I guess, it's not assumed, it's always explicit that these guidelines are non-binding. You know, I see that Justine has said that she understands guidelines are non-binding by its nature. But in some circumstances, there will often be a push that guidelines become more than that. And just that point is pretty clear in the IDN guidelines version 4, in that they were intended to be guidelines, but now looking to become more than that. So, that's a little bit of the flavor, I suppose, for the registries and particularly registrars, and when they develop guidelines that are intended to assist other registry operators.

So, on Org's suggestions, Ariel, is implementation guidance 8.3 associated with this recommendation? In the back of my mind, I seem to recall that we did put some, a little bit more around this,

but perhaps we didn't. So, there is a little bit of guidance on that is kind of some of what the CCWPHR is asking for, and also ICANN Org, so maybe we can bump up the implementation guidance on this one. Justine?

JUSTINE CHEW: Yeah, I think we have to read recommendation 8.2 together with implementation guidance 8.3. So in IG 8.3, we did say, or we did specify who should be involved in the process of building the framework, but as was suggested, I think we didn't specify who should be responsible. And again, I just repeat my comment that I'm going out on a limb and suggest that it should be ICANN Org, but with the participation of all these parties named in implementation guidance 8.3. Thanks.

DONNA AUSTIN: And I think you also had to clarify that it has to go through public comment process as well, Justine, or am I dreaming?

JUSTINE CHEW: Yeah, I did suggest that, so it's up to the group to agree or disagree, I guess.

DONNA AUSTIN: Okay, so that's a possible way that we could address ICANN Org's comments. Do folks have any thoughts on that? I don't think it changes the intent of our recommendation, I think it's just providing specificity around the how and the who. Okay, so Nigel's

saying it sounds sensible. Satish is okay with that. All right, so let's go with that and see where we get to.

ARIEL LIANG: Before we move on, I just want to check in terms of the dissemination question. Is this something the group has a specific suggestion regarding dissemination, or is that kind of at the discretion of ICANN Org? I'm wondering about that part.

DONNA AUSTIN: Justine?

JUSTINE CHEW: A good question, Ariel. I forgot to include this comment earlier, which is more actually a question than a comment. I'm wondering whether we could possibly address this in Part G of our charter.

DONNA AUSTIN: Remind us what Part G of our charter is, Justine?

JUSTINE CHEW: Implementation guidelines, the IDN implementation guidelines.

DONNA AUSTIN: Okay, so here's my experience as the chair of the Registry Stakeholder Group. Dissemination of the documents that the registries and registrars have developed to assist other registries and registrars is always a really difficult proposition. Given that the

documents are generally written for other registries and registrars, and understanding that the membership of the Registry Stakeholder Group and Registrar Stakeholder Group don't encompass all of those registry operators and registrars that are contracted to ICANN, one of the things that I know has been discussed in the past, and I think a channel that is used is ICANN Org has a database of contacts with those contracted parties. So that's one way to disseminate and it's the most direct, I suppose. You can always put it on an ICANN website, but there's no guarantee it's going to get there.

So it might be actually helpful to address this dissemination question from ICANN Org and be specific about what we want to achieve by that. So if anyone has any ideas on dissemination, it would be helpful to know.

So Edmon, on your question about whether this can be part of the IRT, so the development of the framework is the responsibility of the IRT, the way that we've worded the recommendation, with the understanding that the guidelines themselves would be developed at some other point in time. So it's not intended that the framework, that the guidelines themselves would be developed by the IRT, but rather the framework for which the guidelines would be developed. Okay. I'm not sure where we've ended up there, Ariel.

ARIEL LIANG:

Yeah, I think this is something we have to keep pondering. Maybe this is something the leadership team can think about and provide

a suggestion for the group to consider and get back to their groups. So maybe we just have to circle back to this point later.

DONNA AUSTIN: Yeah. Okay. Just to interrupt the flow here, so Nigel has to leave for another call, but he's wondering if there's any further detail on our face-to-face meeting. So Ariel, I don't know whether there's any updates.

ARIEL LIANG: Yeah, no real updates because the meetings team are still in the process of selecting the venue. There are a couple of, I mean, actually there are four locations they're taking into consideration, all in the APAC region, but we will provide an actual update once we hear any affirmative information from them. We'll definitely keep the group posted.

DONNA AUSTIN: Okay. Thanks, Ariel.

ARIEL LIANG: I see Jennifer has a question. Do we have any insight if we will be meeting before the official dates of the Hamburg meeting? Jennifer, are you asking about the face-to-face workshop?

JENNIFER CHUNG: Since we were talking about the face-to-face, I just wondered if this group will be meeting before the dates of the Hamburg meeting, not the workshop that Nigel was asking about.

ARIEL LIANG: So maybe I could give a heads up regarding the current meeting planning for the Hamburg meeting. So it starts on a Saturday. Actually, I need to check the exact date. It starts on a Saturday and ends on Thursday, but the sessions we're looking at for the EPDP team will be posted on Saturday and Sunday of the Hamburg meeting. And then prior to that, I think the expectation is we'll be meeting just online, but probably the travel week, we won't have the meeting as usual practice. I hope I answered your question, Jennifer.

DONNA AUSTIN: Okay. All right. Okay. So we're at 8.4.

ARIEL LIANG: Yes. So yeah, 8.3, we only have RySG's—just quickly to mention this, it's also adding non-binding in front of guidelines. So that's kind of same suggestion as 8.2. 8.4, we got no specific comments, only support recommendations as written. And 8.5, we did receive one comment from ICANN Org. So the recommendation is the sequence for delegating the applied for primary IDN gTLD string and applied for allocatable variant labels that pass evaluation can be determined by the registry operator. So ICANN Org's comment, I put it as the support recommendation intent with wording change. As noted in previous input provided to the EPDP team,

ICANN Org suggests the team be discerning of the different implications when using terms such as must, should, or may while providing its output as the language used have different implications during policy implementation. Is the EPDP team in agreement with ICANN Org's assumption that may would be preferred terminology in this instance? So basically we use the word can be determined by the registry operator. And in fact, in our initial report, we did have explanation of terminology in terms of must, should, may, but I guess in this instance, we were using the word "can" kind of outside our agreed on terminology. So basically it's to confirm, for example, can we just replace can to may and whether ICANN Org's understanding of this is consistent with the group's understanding. And I see Satish has his comment, "agree with may."

DONNA AUSTIN:

So basically what we're suggesting here is to switch out can for may, which in this context would have the same meaning. So is there any objection to swapping out can to may? Justine?

JUSTINE CHEW:

I don't know, maybe I'm being pedantic here, but may seems to suggest that they may not either. You know, it's not a definitive thing when we're saying that—well, I suppose can is not a definitive thing either, but what I'm trying to get at is the sequence ought to be determined by the registry operator and only by the registry operator.

DONNA AUSTIN: So we could change it to the [pass] evaluation is to be determined by the registry operator.

JUSTINE CHEW: Yeah, so we should make it a bit more definitive rather than, yeah, I'm just a little bit uncomfortable with using the word may because that has implications as well.

DONNA AUSTIN: All right, so to address Justine's concern, perhaps what we should have here is that rather than use can or may, it's the pass evaluation. So the sequence for delegating the applied for primary IDN gTLD string and the applied for allocatable variant labels that pass evaluation is to be or will be determined by the registry operator. So are we comfortable with, is to be? And I'm taking Justine's point, I think it's probably more appropriate. And Edmon's saying in that case, it would be should.

Okay, I think we'll put in brackets for now, is to be determined by the registry operator. And obviously, we leadership, which really means Ariel probably, any suggested changes to the recommendations as a result of our discussions will come back to this group for further reading. So it's not like this is the last time we're going to have an opportunity to go through this. So I think the suggestion here is to go with the past evaluation is to be determined by the registry operator.

ARIEL LIANG: Yeah, thanks, Donna. Sorry, I was just double checking our introduction texts regarding these terminologies, because these terminologies are described in RFC 2119. And that's something that a lot of the policy reports reference when they use these terms. And in fact, this is not an exhaustive list of terms that's mentioned in RFC 2119. There's the other terms such as shall, shall not, recommended, not recommended, optional. These are other terms that are also referencing this RFC. So maybe this is something leadership and staff can reconnect and we can look at this together and see whether any of these terms can be adopted instead. But I just want to mention that this is the origin of this terminology and we do have a reference document that we can refer back to. And then in fact, can is not something that's in that RFC. So we definitely should swap this word out with something more appropriate.

DONNA AUSTIN: Yeah.

ARIEL LIANG: Okay, sounds good. So moving on to 8.6, only support recommendations as written. And 8.7, we did receive one comment from ICANN Org. So 8.7 says for our future versions of the RZLGR, generation panels and integration panel must make best efforts to retain full backward compatibility with delegated gTLDs and their delegated and allocated variant labels, if any. The LGR procedure must be updated to specify the exceptional circumstances to the extent known to the GPs and IP that could

result in a proposed update to the RZLGR not being able to retain full backward compatibility.

So ICANN Org has a comment there. So basically, the first comment is, ICANN Org acknowledges that although information can be supplied to the generation panels, it is important to recognize that GPs operate within a technical process that lies outside the scope of policy recommendations. ICANN will share information from input from the EPDP with relevant GPs for their consideration.

So because this recommendation specifically asked the GP and IP to do certain things, basically, ICANN Org is saying we may not have the power to tell them what to do, but they will share the information with them for their consideration. So, that's the first comment.

And the second comment regarding the latter part of the recommendation, ICANN Org notes that the procedure for the development of the RZLGR involved collaborative efforts among multiple script communities. ICANN Org will share the guidance provided by the EPDP with the integration panel and script community to the extent possible as some GPs are no longer active to take into consideration when updating the RZLGR procedure. So, it's in the same vein. Basically, Org will share this information to the GPs and IP for their consideration, but there is no enforcement power from ICANN to ask them to do exactly what this recommendation intends to get. So, I think that's what they try to express in terms of limitation of this recommendation. But I don't see any specific suggestion—

DONNA AUSTIN: Thank you, Ariel. Yeah, I have a question. So, when we discussed this, I think we came up with this recommendation based on language that already existed in another document that the generation panels use. But I mean, that's a vague memory that I had. And if that's the case, and I understand the concern that perhaps it's not our place to develop policy recommendations that will impact the work for future RZLGRs. But if this language is consistent with another document, then is there a way to address this to say that we support what was in that other document that suggested that the GPs and integration panel must make best efforts to retain backward compatibility? Because I think we've taken this language from somewhere else, unless I'm confusing it with something else.

ARIEL LIANG: I was just checking the initial report while we're looking at this language that you talk about. So, I think it's actually in the footnote here. It talks about there are already stability clauses or mechanisms in the RZLGR. And I think this third bullet point talks about the stability principle in the LGR procedure. It's basically once the code point's permitted, it's almost impossible to stop permitting it. So, that's the backward compatibility principle. That's in the existing documentation. So, I think you remembered it right. And it's just in the footnote. So, it is something we could just refer back on instead of creating a new phrase there. I would just say, like, look at the stability principle of the LGR procedure or something to that effect.

DONNA AUSTIN: Okay. Thanks, Ariel. Any other thoughts on this one from anyone? Hadia?

HADIA ELMINIAWI: So, ICANN's comment is basically not about the recommendation itself, but of the applicability of implementing this recommendation. But I think we all agree that we need this recommendation. And thus, keeping it—and with a disclaimer, maybe, as Ariel suggests, makes sense. Thank you.

DONNA AUSTIN: Okay. Thanks, Hadia. Okay. So, we're at time. So, we're making some pretty good progress. The leadership team is working through the document for the use of whether it's existing IDN gTLDs or from the 2012 round and what's the most appropriate phrasing that we should use for throughout the document for consistency. So, we're almost at the end of that process, and we should be able to come back to folks decently quickly on that. Even though we've been working on it for four weeks, I suppose.

Okay. So, with that, I think we're going to call it a night, and we will let you know at some point what we're going to talk about next week, once the leadership team has a conversation tomorrow and we sort out what the path forward is. All right. Thanks, everybody. You can end the recording there, Devan.

[END OF TRANSCRIPTION]