

## **GNSO Council Recommendations Report to the ICANN Board - Regarding Adoption of the Phase 1 Final Recommendations from the GNSO Expedited Policy Development Process on Internationalized Domain Names**

18 January 2024

### **Status of This Document**

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This is the GNSO Council Recommendations Report to the ICANN Board following the GNSO Council's approval of the Phase 1 Final Recommendations of the Expedited Policy Development (EPDP) on Internationalized Domain Names (IDNs).

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## 1. Executive Summary

On 22 December 2023, the GNSO Council [voted](#) to approve, by a GNSO Supermajority, all final consensus recommendations contained in the [Phase 1 Final Report](#) of the Expedited Policy Development (EPDP) on Internationalized Domain Names (IDNs). This Recommendations Report is being sent to the ICANN Board for its review of the recommendations approved by the GNSO Council, which the GNSO Council recommends be adopted by the ICANN Board. *While the entirety of the Final Report should be taken into account for further details and context as needed*, please see Annex A for an extract of the approved recommendations and related rationale.

On 21 May 2021, the EPDP on IDNs was initially [chartered](#) to:

- i) Determine the approach for a consistent definition of all gTLDs; and
- ii) Develop policy recommendations that will eventually allow for the introduction of variant gTLDs at the top-level

In November 2022, the Council approved an EPDP Team request to divide its work into two phases, with Phase 1 covering topics related to top-level gTLD definition and variant management, while Phase 2 will cover second-level variant management. The two-phased approach was intended to allow the EPDP Team to focus on the charter questions that are most likely to impact the implementation of the Next Round of the new gTLDs, and avoid potential delays.

The EPDP Team published its Phase 1 [Initial Report](#) for public comment on 24 April 2023. Following its review of all the public comments received, the EPDP Team finalized its recommendations and submitted its Phase 1 [Final Report](#) to the GNSO Council on 08 November 2023. The EPDP team's final recommendations included amendments to some of its preliminary recommendations as a result of its review of the community input submitted on its Initial Report.

The sixty-nine (69) policy recommendations attained Full Consensus within the EPDP team and are intended to be interdependent (as described in Section 13 of the [GNSO's PDP Manual](#)). Under the ICANN Bylaws, a Supermajority vote by the GNSO Council for the policy recommendations obligates the Board to adopt the recommendations unless, by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN. In this case, the GNSO Council approved all 69 recommendations, exceeding the Supermajority threshold.

## 2. GNSO Vote

*If a successful GNSO Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the Constituency(ies) or Stakeholder Group(s) that held that position.*

The GNSO Council approved the EPDP Team's Phase 1 Final Report, exceeding the Supermajority threshold. The vote results can be found [here](#).

## 3. Analysis of Affected Parties

*An analysis of how the issue(s) would affect each Constituency or Stakeholder Group, including any financial impact on the Constituency or Stakeholder Group.*

The EPDP Team's recommendations build upon the final recommendations of the New gTLD Subsequent Procedures PDP Final Report, specifically [Topic 25: Internationalized Domain Names \(IDNs\)](#), which require compliance with the Root Zone Label Generation Rules (RZ-LGR) for the generation of TLDs and variants, and same-entity requirements for a primary label and any allocatable variant labels. The EPDP Team's focus was to understand the implications of these two core principles on the New gTLD Program and contractual requirements when variant labels are involved.

The stakeholders that are most impacted by the EPDP Team's recommendations are those that are applying for a gTLD and potentially one or more allocatable variant labels. Any potential applicant for a new gTLD must ensure that their applied-for gTLD complies with the RZ-LGR and will need to understand how gTLD variant labels will impact the New gTLD Program. In brief, the impacted program elements include but are not limited to application fee, initial evaluation string similarity evaluation, objection processes, and contractual requirements.

The EPDP Team has sought to balance the need to practice conservatism in allowing for gTLD variants for the very first time, while also seeking to reduce barriers for capable Registry Operators to utilize their allocatable gTLD variant labels. In order to limit the potential permutation issues that may arise from combinations of variant labels at both the top-level and second-level, applicants for gTLD variant labels will be required to demonstrate both their need and ability to manage their gTLD variant labels.

Lastly, the EPDP Team recognizes that its recommendations regarding the string similarity review process will make the process more complicated, which will impact ICANN org's ability to operate this aspect of the program, but will also introduce complexities for applicants to understand and consider. Nevertheless, the EPDP Team felt that its recommendations balanced

the goal of mitigating visual similarities between gTLD strings, including variant labels, with being mindful of the operational impact from its recommendations.

## 4. Period of Time Needed to Implement Recommendations

*An analysis of the period of time that would likely be necessary to implement the policy.*

As the EPDP Team's recommendations build upon the IDN-related recommendations of the New gTLD Subsequent Procedures PDP and are understood to be required for the Next Round of new gTLDs, it appears likely that the implementation of the EPDP Team's recommendations will at a minimum need to be coordinated with the Next Round implementation. Therefore, in respect to timing, the Council assumes that implementation will be intertwined with the Next Round implementation.

While the Council is not seeking to prescribe the specific team through which the recommendations are implemented, there must be an Implementation Review Team (IRT) available to aid ICANN org in implementing the recommendations in a manner that is consistent to the EPDP Team's intent.

## 5. External Advice (if any)

*The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor's (i) qualifications and relevant experience; and (ii) potential conflicts of interest.*

The EPDP team did not use external advisors to develop its recommendations. However, it consulted and relied on a set of [background documents](#) that were identified by the charter drafting team that preceded this EPDP. The EPDP Team also availed itself of the expertise from the liaisons appointed by both the ICANN Board and ICANN org's Global Domains and Strategy (GDS) function.

As required by the EPDP Team charter, the EPDP Team identified areas where data and metrics would help to inform the EPDP Team's deliberations on particular charter questions. Where ICANN org was in a position to collect and analyze relevant data, subject matter experts from ICANN org assisted the EPDP Team with these tasks.

By way of example, to support the EPDP Team's consideration of the timing and mechanism by which existing registry operators from the 2012 round could apply for their variant labels in the future, ICANN org helped the EPDP Team develop and distribute a survey targeting Registry

Operators of thirty-five (35) Chinese gTLDs and nine (9) Arabic gTLDs that have allocatable variant labels according to the RZ-LGR calculation. Furthermore, the EPDP Team conducted outreach to the Chinese, Japanese, and Korean General Panels and requested their input regarding the evaluation of single-character gTLD applications in the Han script.

Finally, while the Security and Stability Advisory Committee (SSAC) did not appoint members to the EPDP Team, its subject matter experts on IDNs met with the EPDP Team during two engagement sessions to discuss their views on specific charter questions and preliminary recommendations. Some of the SSAC inputs were recorded in [SAC120](#), which was published in April 2022.

## 6. Final Report Submission

The EPDP Team's Phase 1 Final Report was submitted to the GNSO Council on 08 November 2023 and can be found [here](#). The full text of all consensus recommendations and related rationale are included as Annex A to this Recommendations Report. *The Council reiterates however that the entirety of the Final Report should be taken into account when further details and context are needed.*

## 7. Council Deliberations

*A copy of the minutes of the Council deliberation on the policy issue, including all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.*

The minutes from the GNSO Council's November 2023 meeting where it received a briefing on the EPDP recommendations can be found [here](#). The slides for the briefing on the EPDP recommendations from the EPDP Chair can be found [here](#).

The minutes from the Council's December 2023 meeting where it approved all the EPDP recommendations can be found [here](#).

## 8. Consultations Undertaken

The EPDP team's consideration of all the input it received is documented on its wiki page, including its use of a Public Comment Review Tool:

<https://community.icann.org/display/epdpidn/Phase+1+Initial+Report+-+Public+Comment+Review>.

## 9. Summary and Analysis of Public Comment Forum

*Summary and analysis of Public Comment Forum.*

The EPDP Team's Phase 1 Initial Report was published for [public comment](#) on 24 April 2023 and closed on 19 June 2023. A [Public Comment Summary Report](#) was published on 10 July 2023. As documented in the Phase 1 Final Report, the EPDP team agreed to amend some of its preliminary recommendations as a result of its review of the input it received through the Public Comment Forum.

## 10. Impact/Implementation Considerations From ICANN Staff

As noted in sections 3 and 4 above, there are Board adopted IDNs-related recommendations in the New gTLD Subsequent Procedures PDP Final Report and are therefore already a part of the Next Round implementation. The EPDP Team's 69 recommendations are focused on the implications of the RZ-LGR and variant gTLDs on the New gTLD Program, including adjustments that may need to be made to the base registry agreement. The Council understands that the EPDP Team's recommendations are considered a dependency for the Next Round of new gTLDs and accordingly, implementation must be managed and timed appropriately by ICANN org. From a practical perspective, it may make sense for the existing ICANN org Next Round implementation team, or some subset of that team, to serve as the resources to implement these EPDP Team recommendations.

## Annex A: Extract of Section 4 Final Recommendations From the EPDP on IDNs Phase 1 Final Report

*\* Please note, the following text is copy and pasted from the EPDP on IDNs Phase 1 Final Report and there may be formatting issues present. Please consult the authoritative version [here](#) if any formatting issues arise.*

In the Phase 1 of the EPDP-IDNs, the EPDP Team was tasked to provide the GNSO Council with recommendations on the top-level gTLD definition and variant management. In its current project plan, the EPDP Team identified the questions under the following topics in its charter to be addressed in Phase 1:<sup>1</sup>

- Topic A: Consistent definition and technical utilization of RZ-LGR
  - Charter Questions A1-A10
- Topic B: “Same entity” at the top-level
  - Charter Question B1-B5
- Topic D: Adjustments in registry agreement, registry service, registry transition process, and other processes/procedures related to the domain name lifecycle
  - Charter Questions D1-D3, D8
- Topic E: Adjustments to string similarity review, objection process, string contention resolution, reserved strings, and other policies and procedures
  - Charter Questions E1-E7

The EPDP Team finalized sixty-nine (69) recommendations. Some recommendations have “implementation guidance” on how a recommendation should be implemented.<sup>2</sup> The EPDP Team also determined that for certain charter questions (i.e., A2, A4, A8, B3, B4a, E1, E6, E7), no corresponding recommendation is necessary and a brief explanation is provided. See Annex D for EPDP Team’s responses to all Phase 1 charter questions.

This Phase 1 Final Report states the level of consensus within the EPDP Team achieved for the different recommendations. In summary, all of the sixty-nine (69) final recommendations received “full consensus” support from the EPDP Team. Please see the “Annex C: Consensus Designation” section of this Final Report for details.

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<sup>1</sup> EPDP Team’s current project plan (November 2022 version):

[https://community.icann.org/download/attachments/181306993/EPDP\\_IDN\\_Project\\_Plan\\_20221107.pdf?version=1&modificationDate=1668662265000&api=v2](https://community.icann.org/download/attachments/181306993/EPDP_IDN_Project_Plan_20221107.pdf?version=1&modificationDate=1668662265000&api=v2)

<sup>2</sup> The EPDP Team strongly recommends the stated action in the implementation guidance, with a strong presumption that it will be implemented, but recognizes that there may exist valid reasons in particular circumstances to not take the recommended action exactly as described.



The EPDP Team’s review of the Public Comments submitted on the Phase 1 Initial Report resulted in the Phase 1 final recommendations. The comments received did not raise any significant concerns about the preliminary recommendations or many new issues that the EPDP Team had not previously considered during its deliberation.<sup>3</sup> As a result, the majority of recommendations were finalized without substantive changes. Please see the “Public Comment Review” section under the rationale for additional details regarding whether and how the Public Comments shaped the final recommendations.

In this Phase 1 Final Report, the numbering of the final recommendations generally aligns with the preliminary recommendations in the Initial Report. The sequence of the charter questions and the corresponding final recommendations roughly follows the process flow of the New gTLD Program, starting with the application submission step and ending with the delegation of a gTLD string. At the time these recommendations were developed, the EPDP Team envisaged that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted by six (6) of the sixty-nine (69) recommendations (i.e., [Final Recommendation 2.1](#), [3.3](#), [3.14](#), [3.15](#), [7.3](#), [7.6](#)), due to the calculation of RZ-LGR version 5. Furthermore, the charter questions and the corresponding final recommendations that establish some of the underlying principles that guided the EPDP Team’s deliberation are placed on top (e.g., [Final Recommendation 1.1](#), [2.1](#), [3.1](#)).

Specifically, the underlying principles agreed upon by the EPDP Team and reflected in the final recommendations include the following:

- **RZ-LGR as the Sole Source:** The RZ-LGR will be the sole source to determine valid top-level domain labels, their variant labels, and disposition values of the variant labels.
- **Same Entity:** At the top-level of the DNS, the same registry operator must manage the approved labels from the variant label set of a primary gTLD from the application, legal, and operational standpoints.
- **Integrity of the Set:** The relationship between a primary label and its allocatable and blocked variant labels shall not be infringed upon as long as the primary label exists.
- **Conservatism:** Adopt a more cautious approach in the gTLD policy development as a way to limit any potential security and stability risks associated with the variant label delegation.<sup>4</sup>

The structure of the subsections that organize the final recommendations is as follows:

- [Section 4.1: RZ-LGR as the Sole Source](#)
- [Section 4.2: Same Entity Principle](#)

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<sup>3</sup> The EPDP Team sought guidance from the GNSO Council with regard to four submissions about the potential challenge faced by the applicant for the “.québec” string (the comments in question were submitted by [Nacho Amadoz on behalf of Amadeu Abril i Abril](#), [Louis Houle](#), [Normand Fortier](#), and [Claude Menard](#)). The GNSO Council agreed with the EPDP Team’s assessment that those comments were outside the scope for the EPDP to address.

<sup>4</sup> See more detailed explanation of these underlying principles in Section 3: Glossary of this Final Report.

- [Section 4.3: Application Submission, Administrative Check, Initial Evaluation](#)
- [Section 4.4: String Similarity Review](#)
- [Section 4.5: Objection Processes](#)
- [Section 4.6: String Contention](#)
- [Section 4.7: Contractual Requirements](#)
- [Section 4.8: Delegation and Removal](#)
- [Section 4.9: Variant Label States](#)
- [Section 4.10: Charter Questions with No Recommendations](#)

Within the text of this document, the key words "MUST", "MUST NOT", "SHOULD", "SHOULD NOT", "SHALL", "SHALL NOT", "REQUIRED", and "MAY" are to be interpreted as described in RFC 2119.<sup>5</sup>

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<sup>5</sup> RFC 2119: <https://www.rfc-editor.org/rfc/rfc2119>

## 1 RZ-LGR as the Sole Source

### A1 Charter Question:

*Evaluating all TLDs using RZ-LGR as the one and only authoritative source allows for a consistent approach for reviewing current and future TLDs. The SubPro PDP, the Staff Paper, and the Study Group on Technical Use of RZ-LGR (“TSG”) recommend that compliance with RZ-LGR (RZ-LGR-4, and any future RZ-LGR versions) must be required for the validation of all future gTLDs (including IDN and ASCII labels) and the calculation of their variant labels as a matter of policy, including the determination of whether the disposition of the label should be blocked or allocatable.<sup>6</sup>*

*For existing delegated gTLD labels, does the WG recommend using the RZ-LGR as the sole source to calculate the variant labels and disposition values?*

### A1 Final Recommendations:

**Final Recommendation 1.1:** The RZ-LGR must be the sole source to calculate the variant labels and disposition values for all existing gTLDs.

### A1 Rationale for Final Recommendations:

**Rationale for Final Recommendation 1.1:** To support its consideration of charter question A1, the EPDP Team relied on data collected and analyzed by ICANN org that calculated the variant labels of existing gTLDs, which have been delegated as a result of the 2012 round, by using the version of the RZ-LGR available during its deliberation of this charter question (i.e., RZ-LGR version 4) and determined whether the variant labels match those that were identified by the applicants in the 2012 round.<sup>7</sup> The EPDP Team noted that as the RZ-LGR did not exist in 2012, the then IDN gTLD string applicants were asked to self-identify any “variant” labels (based on their own calculations) corresponding to their applied-for string. The EPDP Team concluded that there is no significant difference between the variant labels calculated by the RZ-LGR and those self-identified by applicants in 2012. Only two self-identified “variants” did not conform to the RZ-LGR: one likely related to an alternative spelling; and the other was potentially a typographical error. As a result, the EPDP Team concluded that using the RZ-LGR as the sole source to calculate variant labels of all existing gTLDs and their disposition values would not have a major impact on existing gTLD registry operators.

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<sup>6</sup> See Recommendation 25.2 and Implementation Guidance 26.10 in the SubPro Final Report, pp.115, 119: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 1 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; Recommendation 1 in the TSG report, p.5: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=5>

<sup>7</sup> See more details of the data collection exercise here: <https://community.icann.org/download/attachments/180028295/GNSO%20IDN%20EPDP%20Data-12nov21.xlsx?version=1&modificationDate=1637684496799&api=v2>

## A1 Public Comment Review:

**Wording Change:** The EPDP Team accepted the suggested wording change raised in Public Comment that impacted a number of recommendations. It agreed to use “existing” when referring to all of the gTLDs that have been delegated in the root zone. The Team also agreed to remove "2012 round" from the recommendation language in recognition that the RZ-LGR is applicable to all gTLDs, including existing ASCII gTLDs delegated prior to the 2012 round. This wording change has been incorporated consistently throughout this Final Report.

## 2 Same Entity Principle

### B1 Charter Question:

*Both the SubPro PDP and the Staff Paper recommend that variant TLDs that ICANN delegates must have the “same entity” as the sponsoring organization and the “Registry Operator” be used as the definition of the “same entity” at the top-level. Should this recommendation be extended to existing TLDs?*

### B1 Final Recommendations:

**Final Recommendation 2.1:** Any allocatable variant label of an existing gTLD, as calculated by the RZ-LGR, can only be allocated to the same registry operator or withheld for possible allocation only to that registry operator.

### B1 Rationale for Final Recommendations:

**Rationale for Final Recommendation 2.1:** To support its consideration of charter question B1, the EPDP Team reviewed the SubPro PDP Recommendation 25.5 and Staff Paper Recommendation 2, as well as their rationale.<sup>8</sup> The EPDP Team agreed that abiding by the “same entity” principle and having the same registry operator for all allocatable variant labels of an existing gTLD will help minimize, but not eliminate, the security risk associated with the “failure modes” – including denial of service / no-connection and misconnection – when dealing with variant labels.<sup>9</sup> Therefore, the EPDP Team agreed to extend the SubPro PDP and the Staff Paper recommendations to existing gTLDs. At the time this recommendation was developed, it was envisaged that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted, based on the calculation of RZ-LGR version 5.<sup>10</sup>

### B1 Public Comment Review:

**Wording Change:** The EPDP Team accepted the suggested wording change raised in Public Comment that impacted a number of recommendations. It agreed to remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points. This wording change has been incorporated consistently throughout this Final Report. In addition, the EPDP Team agreed to add clarification in the rationale that at the time this recommendation was developed, it was

<sup>8</sup> See Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 2 in the Staff Paper, p.3: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=3>; rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>; Section 3.2 in the Staff Paper, pp.6-7: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=6>

<sup>9</sup> See Recommendation 7 of SAC060, p.14: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=14>

<sup>10</sup> Based on the calculation by the latest RZ-LGR version 5, an ASCII gTLD does not have any allocatable variant labels that can be delegated into the root zone; an IDN gTLD may have allocatable variant labels that can also be delegated. As such, this recommendation, at the time it was developed, the EPDP Team envisaged that it would only impact existing IDN gTLDs. However, it does not preclude the possibility of impacting ASCII gTLDs, if a future version of the RZ-LGR includes allocatable variant labels created from ASCII code points.

envisaged that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted, based on the RZ-LGR version 5 calculation. This clarification has been added in the rationale of several applicable recommendations.

### 3 Application Submission, Administrative Check, Initial Evaluation

#### B4 Charter Question:

*The policy recommendation advises that variant TLD labels be allocated to the same entity, however a process to apply for a variant TLD does not exist. The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: what should an application process look like in terms of timing and sequence for an existing and future Registry Operator with respect to applying or activating their allocatable variant TLD labels?*

#### B4 Final Recommendations:

**Final Recommendation 3.1:** An application for an allocatable variant label cannot precede an application for that variant label's primary gTLD string.

**Final Recommendation 3.2:** A future registry operator who wishes to apply for an allocatable variant label of its existing gTLD must submit an application during an application round.

#### B4 Rationale for Final Recommendations:

**Rationale for Final Recommendation 3.1:** A label's status as a "variant" is determined by the primary gTLD, which serves as the source for calculating the variant label set and determining which variant labels are allocatable and which variant labels are blocked in accordance with the RZ-LGR. As such, the EPDP Team agreed that an allocatable variant label can only be applied for at the same time as its primary gTLD string, or subsequent to that primary gTLD being delegated. This requirement is to preserve the principle of the "integrity of the set", a phrase developed by the EPDP Team to describe the primary gTLD's crucial role in bringing the variant label set into existence, as well as the indivisibility of a variant label set centered around the primary gTLD.<sup>11</sup> This principle has been reflected in several EPDP Team's recommendations.

**Rationale for Final Recommendation 3.2:** For the avoidance of doubt, this recommendation specifically addresses potential applications for allocatable variant labels of future gTLDs that will be delegated in the root zone. This recommendation is complementary to [Final Recommendation 3.3](#), which seeks to address potential applications for allocatable variant labels of the existing gTLDs that have been delegated as a result of the 2012 round.

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<sup>11</sup> Per Section 3: Glossary, "Integrity of the Set" means the following: a principle agreed upon by the EPDP Team where the relationship between a primary label and its allocatable and blocked variant labels shall not be infringed upon as long as the primary label exists. In other words, it stresses that the primary label determines the variant label set using RZ-LGR, as well as the indivisibility of a variant label set centered around the primary label. The variant labels derived from the primary label cannot be changed unless the calculation of the RZ-LGR changes. If the primary label ceases to exist, the variant label set will also cease to exist.

The EPDP Team affirmed the SubPro PDP’s recommendation that applications for new gTLDs “must be assessed in rounds”.<sup>12</sup> The EPDP Team also noted that another SubPro PDP recommendation requires clarity and predictability around the timing and/or criteria for initiating subsequent application rounds of the New gTLD Program.<sup>13</sup> In other words, regular intervals between application rounds are expected and indeterminate periods of time between application opportunities are unacceptable. As such, the EPDP Team understood that registry operators could adequately rely on application rounds to apply for variant labels.

In addition, as explained in the rationale for Final Recommendation 3.3, the EPDP Team agreed that no separate process should be developed for existing registry operators to apply for variant labels of their existing gTLDs. In the same vein, the EPDP Team believes that the most expedient and cost effective path for future registry operators to apply for variant labels is through application rounds.

#### B4 Public Comment Review:

**Wording Change:** Final Recommendations 3.1-3.2 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendations 1.1-2.1:

- Use “existing” when referring to all of the gTLDs that have been delegated in the root zone.
- Refrain from mentioning “2012 round” in the recommendation language when referring to the existing gTLDs, as this may be perceived as limiting and can potentially cause misinterpretation.
- Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.

#### D1b Charter Question:

*What should be the process by which an existing registry operator could apply for, or be allocated, a variant for its existing gTLD? What should be the process by which an applicant applying for a new IDN gTLD could seek and obtain any allocatable variant(s)? What should be the associated fee(s), including the application fees and annual registration fees for variant TLDs? Should any specific implementation guidance be provided?<sup>14</sup>*

#### D1b Final Recommendations:

**Final Recommendation 3.3:** Applications for allocatable variant labels of existing gTLDs

<sup>12</sup> See Affirmation with Modification 3.1 in the SubPro PDP Final Report, p.20: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=20>

<sup>13</sup> See Recommendation 3.2 in the SubPro PDP Final Report, pp.20-23: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=20>

<sup>14</sup> SubPro PDP did not have substantive discussion about this question. Some SubPro PDP members believe that allocatable variant labels gTLDs should be made available to IDN gTLD registry operators and applicants, with only limited procedures and



can be submitted during the immediate next application round of the New gTLD Program and any subsequent rounds.

**Final Recommendation 3.4:** A future applicant applying for a primary gTLD string together with its allocatable variant label(s) in the same round is required to submit one application for the primary gTLD string and the variant label(s).

**Final Recommendation 3.25:** After submission of an application, the applicant is allowed to withdraw an applied-for variant label from that application, but is not allowed to add any other variant label that was not originally applied-for in that application. Only an applicant for a .Brand TLD string whose applied-for primary gTLD string is placed in a contention set is allowed to change its applied-for primary string and allocatable variant label(s) under the condition set out in SubPro PDP Recommendation 20.8.<sup>15</sup>

**Final Recommendation 3.5:** In addition to explaining the mission and purpose of the applied-for primary gTLD string or existing gTLD, the applicant seeking one or more gTLD variant labels will describe the justification of such need. The justification given by the applicant shall at minimum provide the following information:

- 3.5.1 The meaning or intended meaning (for non-dictionary words) of each of the applied-for variant label(s), including sources;
- 3.5.2 Explanation of how the primary and variant labels are considered the same;
- 3.5.3 Explain the benefits and the user communities who will benefit from the introduction of the applied-for variant label(s); and
- 3.5.4 A description of the steps that the applicant will take to minimize the operational and management complexities of variant gTLDs and variant domain names that impact registrars, resellers and/or registrants.

**Implementation Guidance 3.6:** With respect to the evaluation of the information submitted per Final Recommendation 3.5:

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costs in place. As these deliberations arose late in the SubPro PDP's life cycle, the group elected to only recommend the "same entity" principle for gTLD variant labels but refrained from providing recommendations on how gTLD variant labels can be obtained. However, SubPro includes in its recommendation that the "same entity" policy for the top-level must be captured in the relevant Registry Agreement. See Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117> and Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

<sup>15</sup> See Recommendation 20.8 in the SubPro PDP Final Report, p.92: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=92>

3.6.1 The evaluation panel must include evaluators with relevant script expertise;

3.6.2 The evaluation panel should apply criteria based on a general standard of reasonableness and the criteria must be established during implementation;

3.6.3 Consistent with Recommendation 27.2 of the SubPro PDP Final Report, evaluation scores on the questions should be limited to a pass/fail scale (0-1 points only);

3.6.4 The applicant must pass each element to enable the applied-for variant label to proceed to the next stage of the application process; and

3.6.5 The evaluation outcome of any one applied-for variant label should not impact the evaluation outcome of any other applied-for variant label in the application (including the primary gTLD string).

**Final Recommendation 3.7:** A future applicant must be required to demonstrate its ability to manage the applied-for primary gTLD string and applied-for allocatable variant label(s) from both a technical and operational perspective. The same requirement applies to registry operators who wish to apply for allocatable variant label(s) of their existing gTLDs.

**Implementation Guidance 3.8:** The evaluation of capability to manage the variant label set should be closely tied to the overall technical capability evaluation. The evaluation should be based on measurable criteria including, but not limited to, the performance of Critical Functions with respect to second-level registrations under the primary gTLD string and the applied-for allocatable variant label(s).

**Implementation Guidance 3.9:** Within 15 months of the delegation of the first gTLD variant label and every 24 months thereafter, ICANN org should conduct research in order to identify whether any additional criteria or tests should be used, as part of the application process, to evaluate the technical and operational capability of an applicant to manage a variant label set at the registry level. ICANN org must offer the community an opportunity to provide input on the scope of the research to be undertaken, as well as any proposed outputs on additional criteria or tests, and such outputs should not be applied retroactively.

**Final Recommendation 3.10:** The fee structure associated with future applications that include variant label(s), and variant label applications from registry operators of

existing gTLDs , must be consistent with the principle of cost recovery reflected in the 2012 Applicant Guidebook and affirmed by the New gTLD Subsequent Procedures PDP.<sup>16</sup>

**Final Recommendation 3.11:** A future applicant applying for a primary gTLD string and up to four (4) of that string’s allocatable variant labels during an application round must incur the same base application fee as any other gTLD applicant who does not apply for variant labels in that round.

**Final Recommendation 3.12:** Any applicant applying for more than four (4) allocatable variant labels of a primary gTLD string in an application round may incur additional fees that ICANN org considers to be proportionate to any additional costs associated with evaluating the application and consistent with the cost recovery principle.

**Final Recommendation 3.13:** A future registry operator applying only for allocatable variant label(s) of its delegated primary gTLD must incur a discounted base application fee. ICANN org will decide on the discount based on what it considers to be proportionate to any costs associated with evaluating the application and consistent with the cost recovery principle.

**Final Recommendation 3.14:** If a registry operator from the 2012 round applies for up to four (4) allocatable variant labels of its existing IDN gTLD:

- 3.14.1 in the immediate next application round, the base application fee will be waived for that application as a one-time exception; or
- 3.14.2 in any application round subsequent to the immediate next application round, that application must incur a discounted base application fee as set out in Final Recommendation 3.13.

If a registry operator from the 2012 round applies for more than four (4) allocatable variant labels of its existing IDN gTLD:

- 3.14.3 in the immediate next application round, that application may incur additional fees as set out in Final Recommendation 3.12; or
- 3.14.4 in any application round subsequent to the immediate next application round, that application must incur a discounted base application fee as set out in Final Recommendation 3.13 AND may incur additional fees as set out in Final Recommendation 3.12.

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<sup>16</sup> See Affirmation with Modification 15.4 in the SubPro PDP Final Report, pp.65-66:  
<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=65>

**Final Recommendation 3.15:** As a one-time exception for the immediate next application round, applications for allocatable variant labels of existing IDN gTLDs from the 2012 round must receive priority in processing order ahead of all other new gTLD applicants, including the IDN applicants that elect to participate in the prioritization draw.

## D1b Rationale for Final Recommendations:

**Rationale for Final Recommendation 3.3:** For the avoidance of doubt, at the time this recommendation was developed, it was envisaged that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted, based on the calculation of RZ-LGR version 5. This recommendation is complementary to [Final Recommendation 3.2](#), which seeks to address potential applications for allocatable variant labels of future gTLDs that will be delegated in the root zone.

Among the 1,265 existing gTLDs, only 35 Chinese gTLDs and 9 Arabic gTLDs have allocatable variant labels according to the calculation of the latest RZ-LGR version 5.<sup>17</sup> In order to support deliberations on the timing and mechanism by which those registry operators could apply for variant labels, the EPDP Team sent out a survey targeting the registry operators of those gTLDs. Among the 34 registry operators who were surveyed, 22 (64.7%) responded. The vast majority of respondents indicated interest in applying for allocatable variant labels of their gTLDs, but expressed a range of views in terms of the desired timeframe of applying for variant labels and factors that may affect their application decisions.<sup>18</sup>

In the survey results and during the EPDP Team deliberations, some support was expressed for a simplified, standalone process for existing registry operators to apply for allocatable variant labels of their IDN gTLDs before the next application round. The EPDP Team agreed that applications for variant labels of existing gTLDs will require evaluation to ensure the gTLD variant labels are introduced and managed in a safe and secure manner. Consequently, the EPDP Team examined the process flow of the New gTLD Program in order to understand the feasibility of a simplified, standalone process.<sup>19</sup> See the process flow diagram in Annex H.

This process flow assumes that the next application round of the New gTLD Program will have similar application and evaluation elements as the 2012 round. It also anticipates new elements based on the recommendations from the SubPro PDP as well as a subset of draft recommendations from the EPDP-IDNs. Note that this diagram is a working product to support

<sup>17</sup> For a full list of existing gTLDs that have allocatable variant labels, please see the spreadsheet here:

[https://docs.google.com/spreadsheets/d/1nvk7e1Wk\\_aauP-YbYDUkIdnUb2GXeUO-4LiXe-qvw6g/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1nvk7e1Wk_aauP-YbYDUkIdnUb2GXeUO-4LiXe-qvw6g/edit?usp=sharing)

<sup>18</sup> See survey result details here: [https://mm.icann.org/pipermail/gnso-epdp-idn-](https://mm.icann.org/pipermail/gnso-epdp-idn-team/attachments/20220707/8091596c/ResultsofSurveytoArabicandChineseIDNgTLDRetryOperators-GoogleDocs-0001.pdf)

[team/attachments/20220707/8091596c/ResultsofSurveytoArabicandChineseIDNgTLDRetryOperators-GoogleDocs-0001.pdf](https://mm.icann.org/pipermail/gnso-epdp-idn-team/attachments/20220707/8091596c/ResultsofSurveytoArabicandChineseIDNgTLDRetryOperators-GoogleDocs-0001.pdf)

<sup>19</sup> During the ICANN75 session in September 2022, the EPDP Team reviewed and discussed the process flow to understand which elements in the New gTLD Program will be impacted by variant implementation, how such elements may need to be modified to accommodate variant labels, and the level of effort for evaluating variant labels. See the session recording and process flow details here: <https://community.icann.org/x/GAJPd>

understanding of the impact of a subset of the EPDP Team’s recommendations that were drafted at the time of the EPDP Team’s deliberation of this charter question. It is not intended to be authoritative.

In examining this process flow, the EPDP Team observed that an application for a gTLD variant label must go through the same steps and stages as any applicant in the New gTLD Program. The EPDP Team also observed that a number of the elements in the New gTLD Program will require modification to accommodate gTLD variant label applications.

In light of those observations, the EPDP Team agreed that the most expedient and cost-effective path forward for registry operators to apply for variant labels of their existing gTLDs is through the next application round of the New gTLD Program. Therefore, no separate process should be developed for this purpose.

**Rationale for Final Recommendation 3.4:** The EPDP Team noted SubPro PDP’s recommendation that future applications of new gTLDs “must be assessed in rounds”<sup>20</sup>. The EPDP Team agreed that for the next application round and each subsequent round where a primary gTLD string is sought with one or more of its allocatable variant label(s) at the same time, the applicant will only be required to submit one application covering these labels. In other words, the applicant should not submit multiple applications for the primary gTLD string and its allocatable variant label(s) in the same round. Submitting one application would allow for an efficient and streamlined process.

This recommendation does not preclude the circumstance where an applicant only applies for a primary gTLD string during an application round and does not wish to apply for its allocatable variant label(s), if any.

**Rationale for Final Recommendation 3.25:** The EPDP Team developed this recommendation in response to a question raised in Public Comment. The EPDP Team agreed that withdrawal of an applied-for variant label should be allowed after the application has been submitted, but adding a variant label to that submitted application is prohibited. The EPDP Team understood that SubPro PDP Recommendation 20.8 permits string changes for an applied-for .Brand TLD string that is placed in a contention set under specific circumstances and conditions.<sup>21</sup> As such, such modification should be allowed for an applied-for primary gTLD string and its allocatable variant label in a .Brand TLD application.

**Rationale for Final Recommendation 3.5 and Implementation Guidance 3.6:** As the delegation of gTLD variant labels at the root zone is unprecedented, the EPDP Team agreed that it will be important for applicants to justify in their application why they need the applied-for variant labels of the primary gTLD string. This will be achieved by responding to the application

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<sup>20</sup> See Affirmation with Modification 3.1 in the SubPro PDP Final Report, p.20: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=20>

<sup>21</sup> See Recommendation 20.8 in the SubPro PDP Final Report, p.92: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=92>

questions outlined in [Final Recommendation 3.5](#), which will be in addition to providing an explanation of the mission and purpose of the applied-for primary gTLD string. It is important to note that the applicant is expected to answer these questions for each and every applied-for variant label. These questions are intended to demonstrate that the applicant has carefully considered whether the applied-for variant labels are needed to achieve their stated objectives and to deter frivolous applications that may arise because of [Final Recommendation 3.11](#). In line with the conservatism principle, variant labels that are not deemed necessary by the evaluators, but are merely made possible for delegation due to the RZ-LGR calculation, should not be allocated or delegated.

The EPDP Team had extensive discussion about the evaluation elements set out in [Final Recommendation 3.5](#). The team recognized that after the gTLD variant labels are delegated and become operational, potential permutation issues may arise because of the many possible combinations of variant labels at both the top-level and the second-level, causing operational and management complexities that may impact registrars, resellers, and/or registrants. Therefore, 3.5.4 seeks to understand the applicant's proposed approach to minimize such complexities from operational and management standpoints. By way of explanation, management is responsible for overall strategic decision-making and resource allocation, while operation executes the plans and processes necessary for day-to-day functioning.

The EPDP Team developed [Implementation Guidance 3.6](#) to clarify how the applicant's responses to the elements established in [Final Recommendation 3.5](#) should be evaluated and consistently applied for each applied-for variant label. The EPDP Team agreed the generally understood "standard of reasonableness" would be the appropriate test to be applied and that the applied-for variant labels receiving a passing score (1 point) for each question would be eligible to proceed to the next stage of the application process. In the event that one or more of the applied-for variant labels fails the evaluation, this should not impact the evaluation outcome of the other applied-for variant labels in that application, or the applied-for primary gTLD string. The applied-for variant label(s) in the same application that receive a passing score for each question can still proceed to the next stage of the application process.

The EPDP Team agreed that the same requirements, as set out in [Final Recommendation 3.5](#) and [Implementation Guidance 3.6](#), will also apply to existing registry operators who wish to apply for allocatable variant label(s) of their existing gTLDs.

In summary, [Final Recommendation 3.5](#) and [Implementation Guidance 3.6](#) aim to strike a balance with [Final Recommendations 3.11, 3.12, and 8.1](#), which were perceived as "non-conservative" by some Public Comment respondents. These recommendations refer to charging the base application fee for an application that includes up to four (4) allocatable variant labels plus the primary gTLD string from a variant label set, as well as not setting a ceiling for the number of allocatable variant labels that can be delegated for any one primary gTLD string. EPDP Team agreed not to place arbitrary constraints that may discourage gTLD variant label applicants, but instead chose to enhance certain evaluation elements that are built into the

application process, with the goal of supporting efficacy in the introduction of gTLD variant labels in a secure and stable manner.

**Rationale for Final Recommendation 3.7 and Implementation Guidance 3.8-3.9:** The EPDP Team agreed that it is important that applicants are able to demonstrate their technical capability to operate and manage the applied-for primary gTLD string as well as the applied-for allocatable variant label(s) by answering relevant application questions. The EPDP Team agreed that the evaluation of the applicant’s capability to manage the variant label set should be closely tied to the overall evaluation of the applicant’s technical capability to operate the proposed primary gTLD and its variant label(s). The same requirement applies to existing registry operators who wish to apply for allocatable variant label(s) of their existing gTLDs.

The EPDP Team agreed that the evaluation of technical and operational capability should be based on measurable criteria to be determined during implementation. Such criteria may include, but not limited to, the performance of the Critical Functions with respect to second-level registrations under the applied-for primary gTLD string and the applied-for allocatable variant label(s).<sup>22</sup>

The EPDP Team recognized that the delegation of gTLD variant labels is unprecedented and there is uncertainty about how the variant label set will be managed and operated by the registry operator. Therefore, the EPDP Team recommends that within 15 months of the delegation of the first gTLD variant label and every 24 months thereafter ICANN org should conduct research in order to identify whether any additional criteria or tests should be used, as part of the application process, to evaluate the technical and operational capability of a future applicant for gTLD variant labels. ICANN org must provide public consultation opportunities on the scope and any proposed outputs of the research. For avoidance of doubt, any such additional criteria or test should not be used to evaluate the technical and operational capability of a registry operator that has already been managing a variant label set before such additional criteria or tests are published.

**Rationale for Final Recommendation 3.10:** The EPDP Team agreed with SubPro PDP’s Affirmation with Modification 15.4 that the New gTLD Program should be self-sustaining without the need for funding from other sources and that the program should operate on a cost recovery basis with the goal of being revenue neutral.<sup>23</sup>

The EPDP Team acknowledged that some future applications that contain variant label(s) may be more complicated to evaluate than other applications for a single gTLD. The EPDP Team also noted that while some variant label(s) may be intended as a commercial opportunity to explore

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<sup>22</sup> The Critical Functions are: DNS Service, DNSSEC proper resolution, EPP, RDDS, and Data Escrow. See details in Section 6 of Specification 10 in the Base Registry Agreement: <https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html#specification10>

<sup>23</sup> See Affirmation with Modification 15.4 in the SubPro PDP Final Report, pp.65-66: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=65>

a new market, some other variant label(s) may be intended for users to have a complete online experience, as those users may consider the variant label set as one single gTLD. The EPDP Team recognized that the cost recovery principle applies to the overall New gTLD Program, and the costs of running the program would be borne by all applicants collectively.

The EPDP Team suggested that ICANN org may want to take the aforementioned perspectives into account and consider how the application fee should be derived in order to maintain consistency with the cost recovery principle.

**Rationale for Final Recommendations 3.11-3.14:** The EPDP Team agreed that the application fee structure should strike a balance between providing financial incentives to encourage the introduction of gTLD variant labels that help build a multilingual Internet and limiting potential security and stability risks associated with the permutation of variant labels. Since the EPDP Team decided not to impose a ceiling value for the delegated top-level variant labels as per Final Recommendation 8.1, some members raised concerns that an applicant may apply for an excessive number of variant labels, which will likely cause increased complexity for the evaluation.

As noted in the rationale for Final Recommendation 8.1, only seven scripts integrated in the RZ-LGR have allocatable variant labels, namely Arabic, Bengali, Chinese, Greek, Latin, Myanmar, and Tamil. Except for Arabic, the language communities of the other six scripts have already limited the number of allocatable variant labels that can be applied for as gTLDs (i.e., one to four variant labels of the primary label are allocatable).<sup>24</sup> In other words, only the applications in the Arabic script could potentially include an exponentially high number of variant labels.

As such, the EPDP Team reached out to the Arabic Generation Panel (GP), seeking its guidance regarding a reasonable number of allocatable variant labels that should be delegated to adequately serve the Arabic script users in various regions around the world. By the time the Phase 1 Final Report was published, the Arabic GP had not reached a conclusion on the reasonable number for variant labels that should be allocatable for a gTLD in the Arabic Script.

In the absence of input from the Arabic GP, the EPDP Team supports a recommendation that a future gTLD applicant applying for a primary gTLD string and up to four (4) of the string's allocatable variant labels during an application round must incur the same base application fee as any other gTLD applicant who does not apply for variant labels in that round. The EPDP Team recommends this threshold number based on the known upper bound for allocatable variant labels permitted by the RZ-LGR for the scripts that have allocatable variant labels (with the exception of Arabic).

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<sup>24</sup> ICANN org staff checked all scripts in the RZ-LGR version 5, which was the version available when the EPDP Team deliberated on Recommendation 1.4, and those incorporated in the next version (i.e., RZ-LGR version 5) to see if there are mechanisms in place to reduce the number of allocatable variant labels. For the scripts with allocatable variant labels, ICANN org staff ran all existing gTLDs in those scripts through the RZ-LGR to see how many variant labels are created. The findings were presented during the EPDP Team meeting on 20 January 2022. See slides here:

<https://community.icann.org/download/attachments/183992731/EPDP%20on%20IDNs%20-%20A5%20-%2020Jan%202022.pdf?version=1&modificationDate=1642693642936&api=v2>



If the applied-for allocatable variant labels in an application submitted in any round exceed the threshold number of four (4), ICANN org should assess whether the costs associated with evaluating the additional labels warrant charging additional fees that they consider proportionate to any additional evaluation costs and consistent with the cost recovery principle.

Furthermore, the EPDP Team recommends that an application only for allocatable variant label(s) of a future delegated primary gTLD must incur a discounted base application fee as determined by ICANN org and considered to be proportionate to any costs associated with evaluating the application and consistent with the cost recovery principle. Since the primary gTLD is already delegated, there is a presumption that some evaluation elements for its allocatable variant label(s) may not necessarily apply. Under this situation, such an application should not incur the same base application fee, but it should not be free either. As such, a discount on the base application fee for such an application seems appropriate. Nevertheless, ICANN org has the discretion to establish what constitutes a discount.

During the EPDP Team discussion of fees for applications that only include allocatable variant labels, some members suggested that as long as the threshold number of four (4) allocatable variant labels of a primary gTLD string has not been exceeded, the applicant should not pay more application fees over and above the base application fee already paid by the applicant when the primary gTLD string was initially applied for. The EPDP Team considered this proposal, but decided to recommend the discounted base application fee for any number of allocatable variant labels that are applied for separately from the application for the primary gTLD string.

The EPDP Team believes that its recommended approach should encourage applicants to optimize their business interests to introduce as many gTLD variant labels as they need in an expeditious manner, while preventing the scenario where an excessive number of variant labels are being applied for. In addition, the EPDP Team noted that in the 2012 round, the same base application fee applied to all types of applications, including those that had different evaluation elements or underwent extended evaluation (e.g., Geographic Name TLD applications, IDN applications that included the evaluation of a large number of IDN tables).

Furthermore, [Final Recommendation 3.14](#) was specifically developed for the registry operators of existing IDN gTLDs delegated as a result of the 2012 round. As noted in the rationale for [Final Recommendation 3.3](#), among the 1,265 existing gTLDs from the 2012 round, only 35 Chinese gTLDs and 9 Arabic gTLDs have allocatable variant labels according to the RZ-LGR calculation. The majority of those registry operators who responded to the EPDP Team's survey expressed interest in applying for variant labels of their existing IDN gTLDs. In addition, 24 out of the 26 Chinese gTLD registry operators and 3 out of 9 Arabic gTLD registry operators self-identified "variants" for their applied-for IDN gTLDs during the 2012 round.

Given that those existing IDN gTLD registry operators already paid the US\$185,000 base application fee in the 2012 round and they were unable to apply for variant labels at that time,

the EPDP Team recommends, as a one-time exception, a waiver of the base application fee for an existing registry operator from the 2012 round who applies for up to four (4) variant labels of its existing IDN gTLD during the immediate next application round. This is to help compensate for the lapsed time in which variant labels have been unavailable to those registry operators despite their business interests or needs, as well as the interests or needs of the intended language communities.

If an existing registry operator from the 2012 round applies for variant label(s) not during the immediate next application round but during a subsequent round, the waiver will not apply. Final Recommendation 3.13 applies to existing registry operators from the 2012 round, meaning that an application for allocatable variant labels that is submitted in any application round subsequent to the immediate next application round must incur a discounted base application fee as any other future registry operators who apply only for allocatable variant labels in that round. Furthermore, Final Recommendation 3.12 also applies to existing registry operators from the 2012 round, meaning that an application for more than four (4) allocatable variant labels of an existing IDN gTLD in an application may incur additional fees.

**Rationale for Final Recommendation 3.15:** This recommendation was specifically developed for the registry operators of existing IDN gTLDs delegated as a result of the 2012 round. The EPDP Team affirmed SubPro PDP Recommendation 19.3, which seeks to ensure that IDN gTLD applications are prioritized in the processing order in the next application round.<sup>25</sup> Going one step further, the EPDP Team recommends granting, as a one-time exception for the immediate next application round, priority for the processing of applications for allocatable variant labels submitted by existing IDN gTLD registry operators from the 2012 round, ahead of all other applications including the IDN applications that elect to participate in the prioritization draw.

In practice, this means that for the immediate next application round, the variant label applications from existing IDN gTLD registry operators from the 2012 round must be assigned priority ahead of any other application, including IDN applications in each group of applications that are being processed in accordance with the formula set forth in SubPro PDP Recommendation 19.3. In other words, the variant label applications from existing IDN gTLD registry operators must be processed first among the applications that are being prioritized.

As mentioned in the rationale for Final Recommendation 3.3, the majority of the registry operators who responded to the survey expressed interest in applying for variant labels of their existing IDN gTLDs. In addition, 24 out of the 26 Chinese gTLD registry operators and 3 out of 9 Arabic gTLD registry operators who were surveyed self-identified “variants” for their applied-for IDN gTLDs during the 2012 round.<sup>26</sup>

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<sup>25</sup> See Recommendation 19.3 in the SubPro PDP Final Report, pp.87-88: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=87>

<sup>26</sup> The EPDP Team reviewed data related to the self-identified “variants” during its meeting on 17 February 2022. See details in the presentation slides here: <https://community.icann.org/download/attachments/183992744/EPDP%20Team%20Meeting%20%2324%20Slides%20-%20D1b.pdf?version=2&modificationDate=1645113005000&api=v2>

The EPDP Team considers it fair and reasonable to prioritize variant applications from existing IDN gTLD registry operators, as a one-time exception for the immediate next application round. The IDN gTLD applicants in 2012 were unable to apply for their variant labels, and their language communities have been subsequently disadvantaged for more than a decade. It will also help ensure that the applied-for allocatable variant labels of existing IDN gTLDs that successfully pass the evaluation can be delegated as soon as possible in order to fulfill the business interests or needs of those registry operators, as well as the interests or needs of the intended language communities. For example, some EPDP Team members stressed the importance and urgency of delegating variant labels of Chinese gTLDs in order to facilitate access to Chinese domain names in the Greater Chinese language speaking region that includes billions of users.

In addition, the EPDP Team believes that the potential number of variant applications from existing IDN gTLD registry operators will be limited based on the aforementioned survey.

### D1b Public Comment Review:

**Wording Change:** Final Recommendations 3.3-3.5, 3.7, 3.10-3.13 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendations 1.1-2.1:

- Use “existing” when referring to all of the gTLDs that have been delegated in the root zone.
- Refrain from mentioning “2012 round” in the recommendation language when referring to the existing gTLDs, as this may be perceived as limiting and can potentially cause misinterpretation.
- Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.
- Add clarification in the rationale of Final Recommendation 3.3 that at the time the recommendation was developed, it was envisaged that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted, based on the RZ-LGR version 5 calculation.

**Final Recommendation 3.4:** The EPDP Team accepted a suggestion raised in Public Comment to further clarify that applicants should not submit multiple applications for allocatable labels from the same variant label set in the same round.

**Final Recommendation 3.25:** A question was raised in Public Comment, which seeks clarity on EPDP Team’s stance on allowing applicants to add, withdraw, or modify applied-for gTLD variant labels through the application change request process. The EPDP Team developed this new recommendation in response to this question.

**Final Recommendation 3.5 and Implementation Guidance 3.6:** Based on input received from Public Comment, the EPDP Team agreed to clarify the intent of these recommendations and

explain how applicants' responses regarding the "need" for variant labels are expected to be evaluated and scored. In addition, following the discussion of Public Comments received for [Final Recommendations 3.11, 3.12, and 8.1](#), the EPDP Team enhanced the evaluation elements of gTLD variant label applications, as set out in these two recommendations, to align with the conservatism principle and to deter frivolous applications.

**Implementation Guidance 3.8:** The EPDP Team agreed with an observation shared in Public Comment, and removed from the rationale the sentence regarding technical evaluation questions "should not differ significantly from the application questions of the 2012 round".

**Implementation Guidance 3.9:** The EPDP Team accepted several suggestions raised in Public Comment to:

- set the expected time frame for ICANN org to conduct the proposed research;
- replace the original word "standards" with "criteria", as it may be premature to expect that standards for managing a variant label set can be identified at an early stage;
- provide public consultation opportunity for the scope and the outputs of the research;
- clarify that any additional criteria or tests resulting from the research will only be applied prospectively, not retroactively.

These amendments seek to enhance this implementation guidance to align with the conservatism principle, following the EPDP Team's discussion of Public Comments received for [Final Recommendations 3.11, 3.12, and 8.1](#).

**Final Recommendations 3.11-3.12:** The EPDP Team noted that these recommendations, as well as the closely related [Final Recommendation 8.1](#) received strong support from many commenters. The EPDP Team had extensive discussion about the concerns raised by some commenters regarding these recommendations, in conjunction with [Final Recommendation 8.1](#). They understood that those commenters were concerned about what they perceived to be a less than conservative approach of charging the base application fee that includes up to four (4) allocatable variant labels plus the primary gTLD string from a variant label set, as well as not setting a ceiling for the number of allocatable variant labels that can be delegated for any one primary gTLD string. Notwithstanding, there was overwhelming support from the EPDP Team for not changing the threshold number and not setting an arbitrary ceiling. The Team believes that the more arbitrary constraints are placed on gTLD variant label applications, the more difficult it would be for encouraging the introduction of gTLD variant labels and promoting IDN registrations that help build a multilingual Internet. The EPDP Team agreed to enhance [Final Recommendation 3.5](#) and [Implementation Guidance 3.6 and 3.9](#) regarding the evaluation of gTLD variant label applications in order to align with the conservatism principle.

**Final Recommendation 3.13:** One Public Comment respondent raised the concern regarding the terms "discounted" and "discount". The EPDP Team agreed that ICANN org has the discretion to establish what "discount" means and determine the actual cost reduction based on further analysis. Hence, there was no substantive change to the recommendation.

**Final Recommendations 3.14-3.15:** The EPDP Team agreed not to apply the aforementioned wording change to these recommendations, as they were specifically developed to include one-time exceptions for the registry operators that manage Chinese and Arabic gTLDs delegated as a result of the 2012 round. The EPDP Team noted concern from one commenter regarding these exceptions, but agreed that such a concern may be overstated due to a misunderstanding of the intent of the recommendations, and the number of existing IDN gTLD registry operators that can benefit from those exceptions is limited. In [Final Recommendation 3.14](#), EPDP Team took into account a suggestion received from Public Comment and provided a numbered list, replacing the original bullet list, to enhance specificity.

## B5 Charter Question:

*Do restrictions that apply to a TLD (e.g., community TLDs, dot brand TLDs) also apply to its variants? Are these labels equally treated as different versions of the same string, or completely independent strings not bound by the same restrictions?*

## B5 Final Recommendations:

**Final Recommendation 3.16:** An applied-for allocatable variant label must be subject to the same application requirements and evaluation criteria as the associated primary gTLD string. Specifically, the same documentation requirements apply to both the primary gTLD string and its applied-for allocatable variant label(s). With respect to the three non-standard application types of gTLDs as identified by the SubPro PDP, this means that:

3.16.1 An applicant for a **Community-based TLD string and its allocatable variant label(s)** is required to submit a written endorsement of its applied-for primary gTLD string and applied-for allocatable variant label(s) from established institution(s) representing the community that the applicant has named.<sup>27</sup>

3.16.2 An applicant for a **Geographic Name TLD string and its allocatable variant label(s)** is required to submit documentation of support or non-objection to its applied-for primary gTLD string and applied-for allocatable variant label(s) from relevant governments or public authorities.

3.16.3 An applicant for a **.Brand TLD string and its allocatable variant label(s)** is required to submit proof that its applied-for primary gTLD string and applied-for allocatable variant label(s) are identical to registered trademarks owned and used by the registry operator or its affiliate.<sup>28</sup>

<sup>27</sup> Based on the 2012 Applicant Guidebook, factors that may be considered in making the determination of an “established institution” include, but are not limited to: Level of global recognition of the institution; length of time the institution has been in existence; and public historical evidence of its existence, such as the presence of a formal charter or national or international registration, or validation by a government, inter-governmental organization, or treaty. The institution must not have been established solely in conjunction with the gTLD application process.

<sup>28</sup> The SubPro PDP identified only three categories of gTLDs that have non-standard application types and affirmed that the same application requirements and evaluation criteria for these application types, as set out in the 2012 Applicant Guidebook, apply in

## B5 Rationale for Final Recommendations:

**Rationale for Final Recommendation 3.16:** The EPDP Team affirmed that the same application requirements and evaluation criteria apply to both the primary gTLD string and its applied-for allocatable variant label(s).

The EPDP Team discussed the three categories of gTLDs that have non-standard application types as identified by SubPro PDP, and those are: 1) Community-based TLD, 2) Geographic Name TLD, and 3) .Brand TLD.

With respect to applications for allocatable variant labels of Community-based TLD strings and Geographic Name TLD strings, the EPDP Team emphasized that the required documents must provide, respectively, explicit endorsement or support/non-objection to all of the applied-for allocatable variant labels.

With respect to applications for allocatable variant labels of .Brand TLD strings, the EPDP Team stressed that each of the applied-for allocatable variant labels must be an exact match to and supported by a registered trademark of the registry operator or its affiliate. The EPDP Team noted that under trademark law, the rights are attached to one, distinct mark limited to an exact match; the concept of variants does not exist in trademark law. Even though an allocatable variant label of a primary .Brand TLD is withheld for possible allocation only to that .Brand TLD's registry operator or its affiliate based on the "same entity" principle, it cannot be delegated as a .Brand TLD without meeting the same requirements as the primary gTLD. Reaffirming Final Recommendation 7.14, the EPDP Team agreed that an allocated or delegated variant label of a .Brand TLD, as a result of the application being approved, must be .Brand TLDs as well, not a different type of TLD.

## B5 Public Comment Review:

**Final Recommendation 3.16:** One public comment raised concerns regarding the unclear definition of "established institution" in the recommendation and suggested deleting this term. The EPDP Team affirmed that this term originated from the 2012 Applicant Guidebook and was reaffirmed by the SubPro PDP Final Report. Footnote 80 was included to provide reference to the "established institution". In addition, the EPDP Team also provided a numbered list, replacing the original bullet list, to enhance specificity.

## A7 Charter Question:

*The SubPro PDP recommends that single character gTLDs may be allowed for limited script/language combinations where a character is an ideograph (or ideogram) and do not*

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future rounds. See Recommendation 4.1 in the SubPro PDP Final Report, pp.24-27:  
<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=24>

*introduce confusion risks that rise above commonplace similarities, consistent with SAC052 and Joint ccNSO-GNSO IDN Workgroup (JIG) report.<sup>29</sup>*

*What mechanism or criteria should be used to identify the scripts/languages appropriate for single-character TLDs? Once those scripts/languages are identified, what mechanism or criteria should be used to identify a specific list of allowable characters which can be used as a single-character TLD within such scripts/languages? Should any specific implementation guidance be provided? Furthermore, should the relevant GP tag these code points in the RZ-LGR for a consistent analysis and to ease their identification and algorithmic calculation?<sup>30</sup>*

## A7 Final Recommendations:

**Final Recommendation 3.17:** The EPDP Team affirmed the Recommendation 25.4 in the SubPro PDP Final Report that single-character gTLDs may only be allowed for limited scripts and languages where a character is an ideograph. At the time of the EPDP Team’s deliberations, the only script that meets the criteria is the Han script, which is used in the Chinese, Japanese, and Korean languages. Nevertheless, applications for single-character gTLDs that are ideographs must not be accepted until relevant guidelines from the Chinese, Japanese, and Korean Generation Panels are developed, finalized after Public Comment, and implemented in the New gTLD Program. In the event that the Generation Panels determine such additional guidelines beyond the analysis already provided in the RZ-LGR unnecessary, applications for single-character gTLDs in the Han script shall be accepted.

## A7 Rationale for Final Recommendations:

**Rationale for Final Recommendation 3.17:** The EPDP Team affirmed Recommendation 25.4 in the SubPro PDP Final Report that single-character TLDs may be allowed for ideographic script and language combinations.<sup>31</sup> At the time of the EPDP Team’s discussion, the Han script is the only ideographic script included in the RZ-LGR, and Chinese, Japanese, and Korean are the only languages incorporating the Han script.<sup>32</sup> Therefore, the EPDP Team recommends that the Han

<sup>29</sup> See Recommendation 25.4 in the SubPro PDP Final Report, p.115:<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 1 in SAC052, p.8: <https://www.icann.org/en/system/files/files/sac-052-en.pdf#page=8>; the SubPro PDP does not believe it has the relevant expertise to make this determination and would welcome the identification of the limited set of scripts and languages and potentially a specific list of allowable single-characters (e.g., during implementation), which will substantially increase the predictability of what will likely still remain a case-by-case, manual process. See Rationale for Recommendation 25.4 in the SubPro PDP Final Report, pp.116-117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>

<sup>30</sup> See Annex B of the Recommendations for the Technical Utilization of the RZ-LGR, p.13:

<https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=13>

<sup>31</sup> See Recommendation 25.4 in the SubPro PDP Final Report, p.115:<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

<sup>32</sup> Concerning the term ideogram (and related ideograph), Unicode uses it to refer to the Chinese, Japanese and Korean (CJK) repertoire: <https://www.unicode.org/versions/Unicode14.0.0/ch18.pdf> (page 728): “The term ‘Han ideographic characters’ is used within the Unicode Standard as a common term traditionally used in Western texts, although ‘sinogram’ is preferred by professional linguists. Taken literally, the word ‘ideograph’ applies only to some of the ancient original character forms, which indeed arose as ideographic depictions. The vast majority of Han characters were developed later via composition, borrowing,

script and the Chinese, Japanese, and Korean languages are appropriate for single-character gTLDs.

The idea of developing a mechanism or criteria to identify allowable characters for single-character IDN TLDs originated from SAC052, which focuses on the delegation of single-character IDN TLDs.<sup>33</sup> It was developed in response to the ICANN Board resolution passed on 25 August 2011.<sup>34</sup> The Board resolution notes that technical and policy considerations must be addressed prior to delegation of any single-character TLDs.

SAC052 suggests that if a script is allowed for single-character TLDs, a distinct and explicit specification of which subset of the script is available for single-character TLDs should be required prior to the acceptance of a single-character TLD application. This suggestion was developed due to SSAC finding that single-character TLDs are more likely to cause user confusion than TLDs with more than one character.

The EPDP charter asks the EPDP Team to explore mechanisms or criteria to identify allowable characters for single-character TLDs. This question stems from the rationale of the SubPro PDP Recommendation 25.4, noting that the identification of a specific list of allowable single-character gTLDs will substantially increase the predictability of evaluating single-character gTLD applications in the future.<sup>35</sup>

However, the EPDP Team recognized that it does not possess the linguistic expertise to effectively deliberate on this topic. Since the EPDP Team identified that single-character TLDs may be allowed for the Han script, it agreed that Chinese, Japanese, and Korean Generation Panels (CJK GPs) are best-positioned to consider this question.

The EPDP Team consulted with chairs of the CJK GPs about the feasibility of developing such a mechanism or criteria.<sup>36</sup> The CJK GP chairs stressed that the consideration of confusion risks of single-character TLDs in the context of new gTLD application evaluation is outside the scope and expertise of GPs. Nevertheless, they agreed that it may be feasible to develop a prohibitive list of Han characters based on narrowly defined technical criteria, such as characters that are

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and other non-ideographic principles, but the term ‘Han ideographs’ remains in English usage as a conventional cover term for the script as a whole.” Using this terminology, the Han script is the only ideographic script included in the RZ-LGR; see <https://www.icann.org/sites/default/files/lgr/lgr-4-overview-05nov20-en.pdf>, Section 7.2 (the table describes the repertoire per script).

<sup>33</sup> SAC052: <https://www.icann.org/en/system/files/files/sac-052-en.pdf>

<sup>34</sup> 25 August 2011 Board resolution: <https://www.icann.org/resources/board-material/resolutions-2011-08-25-en#5>

<sup>35</sup> See Rationale for Recommendation 25.4 in the SubPro PDP Final Report, pp.116-117:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgTld-subsequent-procedures-pdp-02feb21-en.pdf#page=116>

<sup>36</sup> In May 2022, the EPDP Team sent an outreach letter that includes a list of specific questions regarding single-character TLDs. Consequently, the EPDP Team discussed the responses received: <https://community.icann.org/x/gAB1Cw>. In September 2022, the leadership met with the CJK GP chairs during the ICANN75 Kuala Lumpur meeting to seek further input on this topic. During that meeting, the CJK GP chairs expressed agreement with conducting the additional work to look into the possibility of developing guidelines and/or a prohibitive list of Han characters that will not be allowed as single-character TLDs.



not ideographs and characters that are symbols, which may cause security, stability, and confusion risks that rise above commonplace similarities.

As a result of this consultation, the EPDP Team requested the CJK GPs to look into the possibility of developing guidelines for a prohibitive list of Han characters that will not be allowed as single-character TLDs, as opposed to an inclusive list of characters that could be allowed as single-character TLDs. The GPs are expected to consider the recommendations from SAC052 when conducting this work.

The EPDP Team understood that CJK GPs may conduct this work based on their existing process and procedures, including coordination with local communities and inclusion of additional experts to their panels, as needed. The final set of guidelines for a prohibitive list of Han characters to be developed by the GPs should be subject to the Public Comment process for broader community input.

The EPDP Team agreed that the CJK GPs' guidelines on single-character TLDs must be implemented in the New gTLD Program for the evaluation of future applications for single-character new gTLDs in the Han script. The specificity of implementation depends on the final set of guidelines after considering public comments received.

Notwithstanding the EPDP [Final Recommendation 3.17](#) and SubPro PDP Recommendation 25.4 which permit single-character gTLDs in the Han script, the EPDP Team recommends that applications for single-character gTLDs not be accepted until relevant guidelines from the Chinese, Japanese, and Korean Generation Panels have been developed, finalized after Public Comment, and are implemented in the New gTLD Program. This conservatism is consistent with the aforementioned ICANN Board resolution, SSAC advice, and SubPro PDP recommendation. Nevertheless, In the event that the Generation Panels determine such additional guidelines beyond the analysis already provided in the RZ-LGR unnecessary, applications for single-character gTLDs in the Han script shall be accepted in the next application round and subsequent rounds.

## A7 Public Comment Review:

**Final Recommendation 3.17**: Several commenters supported this recommendation as written.

## E5 Charter Question:

*The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: should the reserved strings ineligible for delegation for existing and future gTLDs be updated to include any possible variant labels? Consider this question by taking into account the data to be collected in the "Data and Metric Requirements" section of this charter.*

## E5 Final Recommendations:

**Final Recommendation 3.18:** The New gTLD Program Reserved Names list must not be expanded to include variant labels.

**Final Recommendation 3.19:** No application for a variant label of a New gTLD Program Reserved Name is allowed.

**Final Recommendation 3.20:** The list of Strings Ineligible for Delegation must not be expanded to include variant labels.

**Final Recommendation 3.21:** Only the protected organizations on the list of Strings Ineligible for Delegation are allowed to apply for the allocatable variant label(s) of their protected string(s) at the top-level. Consistent with [Final Recommendation 3.1](#), an application for an allocatable variant label of a protected string cannot precede an application for the protected string, which serves as the primary label for generating the variant label.

## E5 Rationale for Final Recommendations:

**Rationale for Final Recommendation 3.18-3.19:** The EPDP Team understands that the purpose of the New gTLD Program Reserved Names (“Reserved Names”) list is to maintain the exclusive rights to the names of ICANN, its bodies, or essential related functions of ICANN and IANA.<sup>37</sup> The EPDP Team affirmed SubPro PDP’s recommendation to include “PTI” in the Reserved Names list.<sup>38</sup> The EPDP Team also understands that in future new gTLD application rounds, an applied-for gTLD string and its allocatable and blocked variant label(s) will be compared against the Reserved Names and their allocatable and blocked variant labels in the String Similarity Review process in accordance with [Final Recommendation 4.1-4.3](#).<sup>39</sup>

In order to consider whether the Reserved Names list should be expanded to include variant labels, the EPDP Team reviewed the variant labels of the Reserved Names as calculated by the RZ-LGR version 4, which was the version available during the EPDP Team’s deliberation of this

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<sup>37</sup> See section 2.2.1.2.1 of the 2012 Applicant Guidebook.

<sup>38</sup> See Recommendation 21.4 in the SubPro PDP Final Report, p.95: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=95>

<sup>39</sup> In the context of recommendations in this Phase 1 Final Report, a “blocked” label refers to either: 1) a label within the same script that is deemed valid as a top-level domain by the RZ-LGR but unavailable for allocation or delegation; or 2) a mixed-script blocked label permitted by the RZ-LGR as an exception (i.e., only Japanese has such an exception). To be clear, the “blocked” variant labels in this Phase 1 Final Report do not include the labels created by mixing different scripts. Such mixed-script labels are not eligible to be top-level domains with the exception of Japanese.

charter question.<sup>40</sup> All of the Reserved Names, except for the IDN “test” strings, are ASCII strings and only have blocked variant labels.<sup>41</sup>

The EPDP Team agreed that there is no need to expand the Reserved Names list to include variant labels. The Reserved Names are reserved for a specific purpose, and the trend over time has been to limit the number of Reserved Names in the list. To the extent there is an interest to expand the list, there is an existing process to follow.

In addition, per Final Recommendations 4.1-4.3, the modified String Similarity Review will include the visual check for every applied-for gTLD string and its allocatable and blocked variant label(s) against all the Reserved Names and their allocatable and blocked variant labels. An applied-for gTLD string that is same or similar to a Reserved Name or a variant label of a Reserved Name will not pass the review. Therefore, the EPDP Team agreed that the Reserved Names list will stay as is and no variant labels will be added.

Furthermore, the EPDP Team converged on the idea that no application for a variant label of a Reserved Name is allowed. This recommendation seeks to enhance the purpose of Reserved Names by ensuring that their variant labels are also inaccessible without the need to add them to the Reserved Names list. From an implementation perspective, the EPDP Team envisioned that if an applicant enters an applied-for gTLD string that is an exact match of a variant label of a Reserved Name, the application system will recognize the label and will reject the application.

**Rationale for Final Recommendation 3.20:** The EPDP Team understands that the purpose of the Strings Ineligible for Delegation is to provide special protections at the top-level and second-level for the names and acronyms of intergovernmental organizations (IGOs) and international non-governmental organizations (INGOs), which receive protections under treaties and statutes across multiple jurisdictions.<sup>42</sup> Those organizations specifically include the Red Cross/Red Crescent Movement (RCRC) and the International Olympic Committee (IOC).

The EPDP Team learned that the PDP on the Protection of IGO and INGO Identifiers in All gTLDs explored in detail the issues related to whether those international organizations should receive special protection for their names.<sup>43</sup> As an outcome of that PDP, a specific and finite list of identifiers will be included in the future version of the Applicant Guidebook (AGB) as Strings Ineligible for Delegation. This is to grant preventative protections to the identifiers limited to exact match and on the basis of internationally recognized treaties. The EPDP Team also

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<sup>40</sup> ICANN org staff calculated the variant labels of New gTLD Program Reserved Names by running them through the RZ-LGR version 4, which was the latest available version during the time of this charter question deliberation:

[https://docs.google.com/spreadsheets/d/11OkBT\\_1-](https://docs.google.com/spreadsheets/d/11OkBT_1-)

[kABdUgy7kbrf9bd8PHFPtP9A/edit?usp=sharing&ouid=101698682360672018983&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/11OkBT_1-kABdUgy7kbrf9bd8PHFPtP9A/edit?usp=sharing&ouid=101698682360672018983&rtpof=true&sd=true). The RZ-LGR version 5 was published in May 2022: <https://www.icann.org/resources/pages/root-zone-lgr-2015-06-21-en>

<sup>41</sup> See the IDN “test” strings here: <https://www.iana.org/domains/reserved>

<sup>42</sup> The entity that possesses the string ineligible for delegation is referred to as the “protected organization”, per Final Report on the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process:

[https://gnso.icann.org/sites/default/files/filefield\\_42639/igo-ingo-final-10nov13-en.pdf](https://gnso.icann.org/sites/default/files/filefield_42639/igo-ingo-final-10nov13-en.pdf)

<sup>43</sup> The PDP on the Protection of IGO and INGO Identifiers in All gTLDs concluded in November 2013. Learn more:

<https://gnso.icann.org/en/group-activities/active/igo-ingo>

learned that to the extent that there is an interest from those protected organizations to modify or expand the list, such as adding variant labels, they can follow a specific process to do so.

With this context, the EPDP Team agreed that the list of Strings Ineligible for Delegation will stay as is and no variant labels will be added. The outcome of the PDP on the Protection of IGO and INGO Identifiers in All gTLDs, which took years to complete, should be respected and not be modified. Adding variant labels to the list could be interpreted as an extension of rights for the protected strings beyond those expressly identified in the relevant treaties.

**Rationale for Final Recommendation 3.21:** The EPDP Team agreed that no application for a variant label of a String Ineligible for Delegation will be allowed. However, the EPDP Team learned that there is an exception procedure designed to allow the protected organizations to apply for their respective strings in the list of Strings Ineligible for Delegation.<sup>44</sup>

The EPDP Team recognized that the likelihood of an unrelated entity applying for a variant label of a protected string is small and there are other measures in the New gTLD Program to deter such applications (e.g., GAC Early Warning, GAC Advice, Objection Processes). However, this recommendation is intended to ensure that the variant labels are unavailable to other applicants rather than adding variant labels to the list of Strings Ineligible for Delegation.

The EPDP team was concerned that adding variant labels to the list of Strings Ineligible for Delegation could be interpreted by some as an expansion of the rights afforded to those strings on the basis of internationally recognized treaties. The EPDP Team stresses that preventing applications for variant labels of the Strings Ineligible for Delegation is expressly not an expansion of rights for those protected strings.

Consistent with Final Recommendation 3.1, the EPDP Team agreed that applying for the allocatable variant label of a protected string would only be possible if the protected organization had already applied for, or will be applying for at the same time, its protected string on the list of Strings Ineligible for Delegation.

The EPDP Team observed that the exception procedure mentioned above has yet to be developed. Hence, it is suggested, for consideration during the implementation of the final recommendations from the PDP on the Protection of IGO and INGO Identifiers in All gTLDs, that a protected organization also uses the exception procedure when applying for the allocatable variant label(s) of their protected string(s).

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<sup>44</sup> See the Final Report on the Protections for the Protection of IGO and INGO Identifiers in All gTLDs Policy Development Process here: [https://gnso.icann.org/sites/default/files/filefield\\_42639/igo-ingo-final-10nov13-en.pdf#page=10](https://gnso.icann.org/sites/default/files/filefield_42639/igo-ingo-final-10nov13-en.pdf#page=10)

## E5 Public Comment Review:

**Final Recommendations 3.18-3.19:** The EPDP Team accepted a suggestion raised in Public Comment to revise the mention of “The Reserved Names list” to “The New gTLD Program Reserved Names list”. This amendment is to avoid confusion with “Registry Reserved Names”.

**Final recommendations 3.20-3.21:** Several commenters supported these recommendations as written.

## A3 Charter Question:

*SubPro PDP recommends that ICANN establish a mechanism that allows specific parties to challenge or appeal certain types of actions or inactions that appear to be inconsistent with the Applicant Guidebook.<sup>45</sup> SubPro PDP recommends that such a limited challenge/appeal mechanism applies to several types of evaluations and formal objections decisions, including the DNS Stability aspect of evaluation/challenge procedures. Previously, both the SSAC and TSG also recommended a challenge process for resolving disagreement with the RZ-LGR calculation on certain strings.<sup>46</sup>*

*If an applied-for TLD label, whose script is supported by the RZ-LGR, is determined to be “invalid”, is there a reason NOT to use the evaluation challenge processes recommended by SubPro? If so, rationale must be clearly stated. If SubPro’s recommendation on the evaluation challenge process should be used, what are the criteria for filing such a challenge? Should any additional specific implementation guidance be provided, especially pertaining to the challenge to the LGR calculation as it can have a profound, decimating impact on the use of RZ-LGR?<sup>47</sup>*

## A3 Final Recommendations:

**Final Recommendation 3.22:** Only an applied-for gTLD string that conforms to the mandatory string requirements, including IDNA 2008 for IDN strings, as well as the RZ-LGR, can be submitted through the new gTLD application submission system.

Where the initial algorithmic check deems an applied-for gTLD string as “invalid” or

<sup>45</sup> See Recommendation 32.1 in the SubPro PDP Final Report, pp.154-155: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=154>

<sup>46</sup> Disagreement with the LGR calculator may arise due to circumstances including but not limited to: an invalid label due to choice of “letter” not included in the repertoire, albeit being IDNA2008 protocol-valid; an invalid label due to a contextual or whole label evaluation rule imposed by either integration or generation panels’ variant; labels differ because of different assumptions. SAC060 proposed a straw man process to resolve disputes to the RZ-LGR results. The TSG recommended several technical inputs be considered when developing the resolution mechanism. See Recommendation 2, SAC060, p.9: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=9>; see Recommendation 4 in the TSG Report, pp.6-7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=6>

<sup>47</sup> Any changes in RZ-LGR brought about by a process outside the LGR Procedure would invalidate the RZ-LGR and thus the definition of the TLD variant labels, as stated in the LGR Procedure. TSG suggests how to address such a challenge by remaining within the LGR Procedure.

“blocked” (where the applied-for string is a variant label), such application for a non-conforming string may be accepted but the applicant must be warned of its potential disqualification.

If the DNS Stability Panel (DSP) subsequently confirms the applied-for string as “invalid” or “blocked” per the RZ-LGR and disqualifies the application for the non-conforming string, the applicant may invoke a limited challenge mechanism for DNS Stability Review to seek a reassessment of the disqualification.

However, the applicant’s ground to challenge is limited to a belief that its applied-for gTLD string is valid and allocatable as per the RZ-LGR and that the disqualification by the DSP was due to an incorrect assessment of the technical implementation of the RZ-LGR.

**Implementation Guidance 3.23:** The new gTLD application submission system should issue a disqualification warning to the applicant, whose applied-for string conforms to the mandatory string requirement, when the initial algorithmic check finds the following: (i) the applied-for gTLD string is deemed “invalid”; and/or (ii) the applied-for variant label is deemed “invalid” or “blocked”. This warning recognizes the unlikely, but possible, situation that the RZ-LGR was programmed or incorporated into the application submission system incorrectly, and allows an opportunity for correction.

**Final Recommendation 3.24:** An applied-for gTLD string that has been accepted through the new gTLD submission system and correctly assessed by the DNS Stability Panel as “invalid” or “blocked” (where the applied-for string is a variant label) is disqualified unless and until such a string is deemed valid and allocatable in a future version of the RZ-LGR, if any.

### A3 Rationale for Final Recommendations:

**Rationale for Final Recommendation 3.22:** The EPDP Team developed this recommendation based on assumptions including the following:

- 1) there will be an initial algorithmic check, which incorporates the RZ-LGR, in the new gTLD application submission system to check the validity of an applied-for gTLD string and disposition value where the applied-for string is a variant label;
- 2) applied-for gTLD strings that do not conform to mandatory string requirements, including IDNA 2008 for IDN strings, will not be accepted;
- 3) applied-for gTLD strings that conform to mandatory string requirements but are deemed by the initial algorithmic check as “invalid” or “blocked” (as the calculated disposition value where the applied-for string is a variant label) are allowed to be submitted for evaluation;

- 4) the DNS Stability Panel (DSP) will perform a manual review of all applied-for gTLD strings to ensure that the technical implementation of the RZ-LGR is done correctly in the initial algorithmic check; and
- 5) the DSP's manual review is authoritative and its evaluation decision of an applied-for gTLD string being "invalid" or "blocked" will result in disqualification of the application.<sup>48</sup>

The EPDP Team agreed that the applicant will be allowed to challenge the DSP's evaluation decision, but only on the grounds that the applicant believes the DSP has an incorrect assessment of the technical implementation of the RZ-LGR in the initial algorithmic check. Under such circumstances, a limited challenge mechanism for DNS Stability Review is considered fit for purpose.<sup>49</sup>

**Rationale for Implementation Guidance 3.23:** The EPDP Team agreed that the RZ-LGR is the authoritative source for the validation of all gTLDs as well as the calculation of their variant labels and their respective disposition values (i.e., allocatable or blocked). However, the EPDP Team recognized that there could be human error in the technical implementation of the RZ-LGR in the initial algorithmic check component of the new gTLD application submission system. Therefore, an applicant will be allowed to submit its application for the applied-for gTLD string which is deemed "invalid" or the applied-for variant label which is deemed "invalid" or "blocked" according to the initial algorithmic check.

**Rationale for Final Recommendation 3.24:** In the event that the DNS Stability Panel has correctly assessed an applied-for gTLD string as "invalid" or "blocked" (where the applied-for string is a variant label), the EPDP Team agreed that such a string will be disqualified unless and until it is deemed valid and allocatable in a future version of the RZ-LGR, if any. If and when such a string becomes allocatable, a new application has to be submitted in a future round if that string is sought by any applicant.

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<sup>48</sup> In considering question a3), it was necessary for the EPDP Team to make assumptions about the possible process flow for a subsequent new gTLD application process. Many of these assumptions were based on the 2012 Applicant Guidebook and process, notwithstanding that the RZ-LGR did not exist at that time. Recognizing that the Implementation Review Team is expected to develop the implementation details for the future round of the New gTLD Program, the EPDP Team agreed on the assumed process flow and used it as a tool to assist in its development of the recommendation and implementation guidance pertaining to charter question a3). See details here: <https://community.icann.org/download/attachments/176622713/EPDP%20Team%20Meeting%20%2313%20Slides.pdf?version=1&modificationDate=1636142182000&api=v2>

<sup>49</sup> SubPro PDP recommends a limited challenge/appeal mechanism that applies to several types of evaluations and formal objections decisions, including the DNS Stability aspect of evaluation/challenge procedures. See details in SubPro PDP Recommendations and Implementation Guidance under Topic 32 Limited Challenge / Appeal Mechanism (specifically, Recommendations 32.1, 32.2, and 32.10 and Implementation Guidance 32.3/32.4/32.5/32.6/32.7/32.9/32.11/32.12/32.13), as well as the DNS Stability Process in Annex F in the SubPro PDP Final Report: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf>. However, SubPro PDP Recommendation 32.1 had not yet been adopted by the ICANN Board at the time this recommendation was developed. In the event the ICANN Board determines non-adoption of this SubPro PDP Output, the EPDP Team recommends that a limited challenge mechanism for DNS Stability Review still be developed as set out in [Final Recommendation 3.22](#). If the Board decides to adopt, the limited challenge mechanism as recommended by SubPro PDP would be fit for purpose.

By way of example, if the DNS Stability Panel has correctly assessed the applied-for primary gTLD string as “valid” but the applied-for variant label as “invalid” and/or “blocked”, the applied-for primary gTLD string can still proceed in the application process without that variant label. However, if the applied-for primary gTLD string is correctly assessed as “invalid”, the entire application is ineligible to proceed. This is consistent with Final Recommendation 3.1, which provides that an application for a variant label cannot precede the application for its primary string.

An applicant who believes that the disqualified gTLD string should be valid and allocatable may be advised to submit a review request to the relevant script Generation Panel directly or through ICANN org, at any time, to review its proposal to update the RZ-LGR. The RZ-LGR review is an existing process independent from the New gTLD Program and conducted by the relevant script Generation Panel to reconsider the validity and disposition of the string that is specifically requested for review. The outcome of the RZ-LGR review may or may not result in an update of the RZ-LGR. The EPDP Team further agreed that any ongoing processes pursuant to an RZ-LGR review should not hold up the other applications and the strings subject to the RZ-LGR review should not impact the evaluation of other applied-for gTLD strings.

### A3 Public Comment Review:

**Final Recommendations 3.22-3.23:** Several commenters supported these recommendations as written.

**Final Recommendation 3.24:** Prompted by an input received from Public Comment, the EPDP Team confirmed that there is no expectation for ICANN org to continue monitoring potential updates to the RZ-LGR in relation to the disqualified gTLD strings. The EPDP Team added in the rationale that a new application has to be submitted if and when such a string becomes allocatable based on a future version of RZ-LGR, if that string is sought by any applicant.



## 4 String Similarity Review

### E3 Charter Question:

*In the Initial Evaluation for new gTLD applications, a proposed applied-for TLD is checked against several criteria as part of the string similarity review process (see gTLD Applicant Guidebook, version 2012-06-04, section 2.2.1.1.1).<sup>50</sup> The SubPro PDP affirmed these standards, while proposing recommendations and implementation guidance to enhance the process.<sup>51</sup>*

*The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the string similarity review procedure for variant label applications of existing and future gTLDs.<sup>52</sup>*

### E3 Final Recommendations:

**Final Recommendation 4.1:** The String Similarity Review must be modified to compare an applied-for primary gTLD string (no matter whether it is an ASCII string or an IDN string) and all of its allocatable variant label(s) against the following:

- 4.1.1 Existing gTLDs and all of their allocatable and blocked variant labels; and
- 4.1.2 Existing ccTLDs and all of their allocatable and blocked variant labels; and
- 4.1.3 Strings requested as IDN ccTLDs and all of their allocatable and blocked variant labels; and
- 4.1.4 Other applied-for gTLD strings and all of their allocatable and blocked variant labels; and
- 4.1.5 All strings on the New gTLD Program Reserved Names list and all of their allocatable and blocked variant labels;<sup>53</sup> and

<sup>50</sup> These criteria are: existing TLDs and reserved names; other applied-for strings; strings requested as IDN ccTLDs; and applied-for 2-character IDN gTLD strings against every other single character and any other 2-character ASCII string.

<sup>51</sup> See “Topic 24: String Similarity Evaluations” in the SubPro PDP Final Report, pp.108-114:

<https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=108>

<sup>52</sup> The Staff Paper recommends that the string similarity process to compare strings under consideration not just against all allocated or applied-for strings, but also all variant labels of those strings (including allocatable, withheld-same-entity, and blocked). For example, if a string is merely withheld-same-entity and a second string is visually similar, then allocating the second string undermines the predictability of the outcome of variant processing from the RZ-LGR. Similarly, if a string is blocked under the RZ-LGR, but a visually similar string is allocatable, then the second (visually similar) string might become a “work around” for the blocked string. This approach is maximally conservative. It is nevertheless worth noting that this expands considerably the number of strings that might need to be considered; the entire similarity review process will consequently probably become more expensive to operate. See Section 3.8 Adjustments in String Similarity Process in the Staff Paper, pp.18-19:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

Staff Paper further recommends that in the event that two or more applied-for variant labels are visually similar, they may only be allocated if they are associated with the same variant set and are being requested by the same entity. In case of such conflicts across variant labels, the entire IDL set gets processed as one contention set; if one of the labels is already allocated, the contention is resolved in favor of the current operator. The Staff Paper recommends that it is necessary to perform the visual similarity checks for every requested-to-be-allocated variant in any given set against all the possible variant labels in every other set. This is because such an available variant could be requested at any time in the future. See Section 3.8.1 in the Staff Paper, pp.20-21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=20>

<sup>53</sup> See section 2.2.1.2.1 of the 2012 Applicant Guidebook. SubPro affirmed the standard used in the String Similarity Review from the 2012 round, which includes the comparison between the applied-for string with Reserved Names. SubPro also recommends adding “PTI” to the New gTLD Program Reserved Names list. See Recommendation 21.4 and Affirmation 24.2 in SubPro PDP Final Report, pp.95 and 108: <https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent->

4.1.6 Any other two-character ASCII strings and all of their allocatable and blocked variant labels.<sup>54</sup>

In addition, the blocked variant label(s) of an applied-for primary gTLD string must also be compared against the following:

- 4.1.7 Existing gTLDs and all of their allocatable variant labels; and
- 4.1.8 Existing ccTLDs and all of their allocatable variant labels; and
- 4.1.9 Strings requested as IDN ccTLDs and all of their allocatable variant labels; and
- 4.1.10 Other applied-for gTLD strings and all of their allocatable variant labels; and
- 4.1.11 All strings on the New gTLD Program Reserved Names list and all of their allocatable variant labels; and
- 4.1.12 Any other two-character ASCII strings and all of their allocatable variant labels.<sup>55</sup>

**Final Recommendation 4.2:** As an exception to the proposed modification to the String Similarity Review in accordance with [Final Recommendation 4.1](#), the String Similarity Review Panel may decide whether and what blocked variant labels to omit when conducting a comparison. Any such decision by the String Similarity Review Panel 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.

**Final Recommendation 4.3:** During implementation, the guidelines and/or criteria must be developed for use by the String Similarity Review Panel to decide on the omission of blocked variant labels when conducting a comparison.

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[procedures-pdp-02feb21-en.pdf#page=95](#). The EPDP Team also recommends not to expand the New gTLD Program Reserved Names list to include their variant labels, but no application for a variant label of a Reserved Name is allowed. See [Final Recommendations 3.18-3.19](#) for details.

<sup>54</sup> See section 2.2.1.1.1 of the 2012 Applicant Guidebook. SubPro affirmed the standard used in the String Similarity Review from the 2012 round, which includes the comparison between an applied-for two-character IDN gTLD string against any other two-character ASCII strings. See Affirmation 24.2 in SubPro PDP Final Report, p.108:

<https://gns0.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=108>. The EPDP Team accepted a suggestion raised in Public Comment to remove the limitation of “two-character IDN gTLD string” for the applied-for string, in the comparison against two-character ASCII strings. Essentially, the EPDP Team agreed that any applied-for gTLD string, no matter how many characters it has or which script it is written in, must be compared against two-character ASCII strings based on the Hybrid Model. This would enhance the String Similarity Review to catch any applied-for string which may be potentially confusable with a two-character ASCII combination.

<sup>55</sup> In the context of recommendations in this Phase 1 Final Report, a “blocked” label refers to either: 1) a label within the same script that is deemed valid as a top-level domain by the RZ-LGR but unavailable for allocation or delegation; or 2) a mixed-script blocked label permitted by the RZ-LGR as an exception (i.e., only Japanese has such an exception). To be clear, the “blocked” variant labels in this Phase 1 Final Report do not include the labels created by mixing different scripts. Such mixed-script labels are not eligible to be top-level domains with the exception of Japanese.

### E3 Rationale for Final Recommendations:

**Rationale for Final Recommendations 4.1-4.3:** The EPDP Team supports the standard used in the String Similarity Review affirmed by the SubPro PDP, in order to mitigate visual similarities between strings that would create a probability of user confusion. The EPDP Team had significant discussion on whether and how the scope of the String Similarity Review should be modified to address the delegation of variant labels. Specifically, the EPDP Team considered at length the role of allocatable and blocked variant labels in the String Similarity Review process.

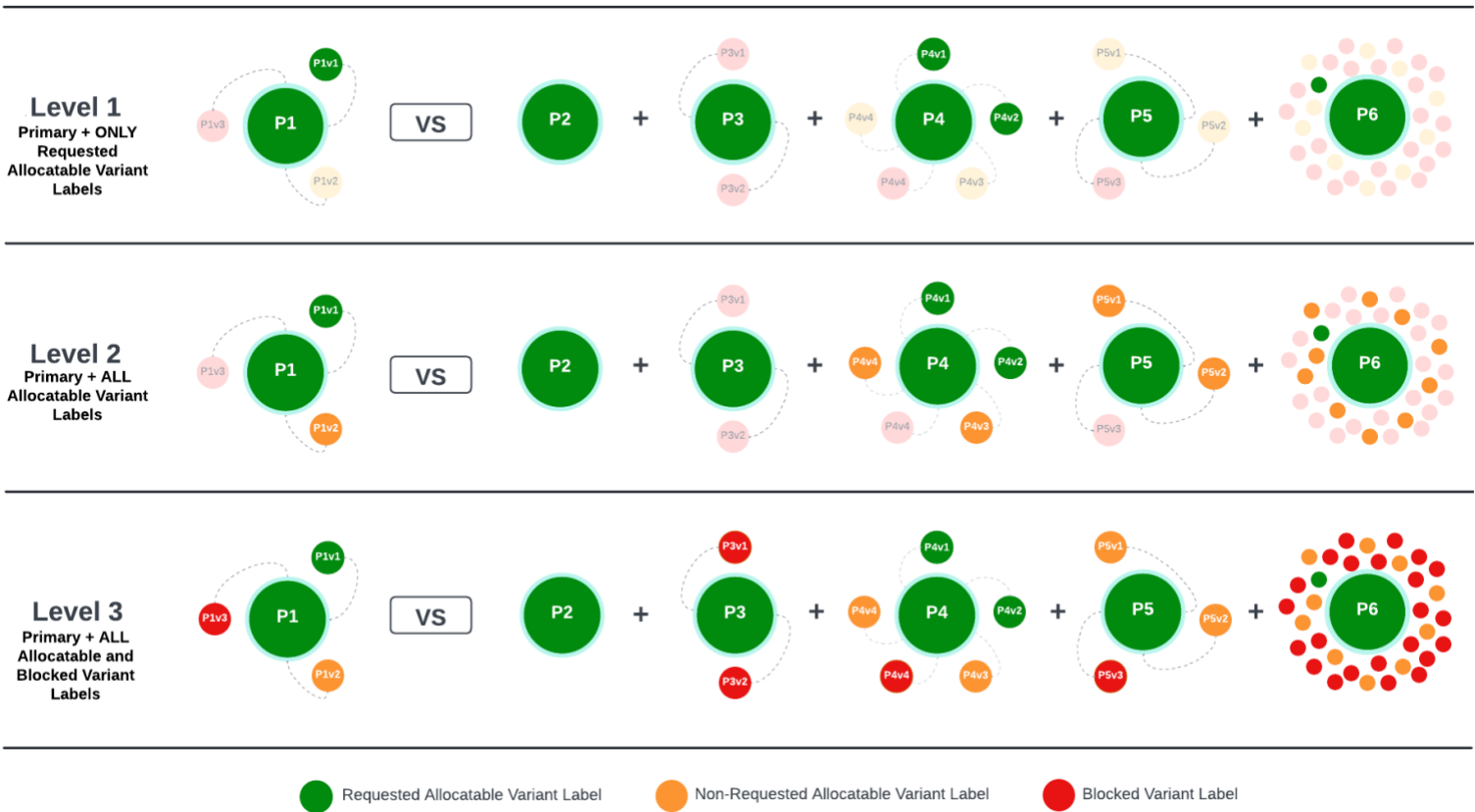
The EPDP Team began its deliberations on the role of variant labels by discussing three possible levels of comparison for visual confusability between applied-for gTLD strings and existing TLDs, as summarized in the **Table 1** below.

● **Table 1: Three Possible Levels of Comparison**

	Compare	Against
<b>Level 1</b> <b>(only applied-for strings + only requested allocatable variant labels)</b>	<ul style="list-style-type: none"> <li>● Each applied-for gTLD string (as the primary gTLD string)</li> <li>● Only requested allocatable variant labels of the applied-for primary gTLD string</li> </ul>	<ul style="list-style-type: none"> <li>● All existing gTLDs and ccTLDs and only requested allocatable variant labels of those TLDs</li> <li>● Other applied-for primary gTLD strings and only requested allocatable variant labels of those strings</li> <li>● All requested primary ccTLD strings and only requested allocatable variant labels of those strings</li> </ul>
<b>Level 2</b> <b>(applied-for strings + all allocatable variant labels)</b>	<ul style="list-style-type: none"> <li>● Each applied-for primary gTLD string</li> <li>● All allocatable variant labels of the applied-for primary gTLD string</li> </ul>	<ul style="list-style-type: none"> <li>● All existing gTLDs and ccTLDs and all allocatable variant labels of those TLDs</li> <li>● Other applied-for primary gTLD strings and all allocatable variant labels of those strings</li> </ul>

		<ul style="list-style-type: none"> <li>• All requested primary ccTLD strings and all allocatable variant labels of those strings</li> </ul>
<p><b>Level 3</b> <b>(applied-for strings + all allocatable variant labels + all blocked variant labels)</b></p>	<ul style="list-style-type: none"> <li>• Each applied-for primary gTLD string</li> <li>• All allocatable variant labels of the applied-for primary gTLD string</li> <li>• All blocked variant labels of the applied-for primary gTLD string</li> </ul>	<ul style="list-style-type: none"> <li>• All existing TLDs and all allocatable and blocked variant labels of those TLDs</li> <li>• Other applied-for primary gTLD strings and all allocatable and blocked variant labels of those strings</li> <li>• All requested primary ccTLD strings and all allocatable and blocked variant labels of those strings</li> </ul>

- Illustration 1:** This is a visual representation of the three possible levels of comparison. P1 is the applied-for primary gTLD string, which has one allocatable variant label P1v1 that is also requested by the applicant, one allocatable variant label P1v2 that is not requested by the applicant, and one blocked variant label P1v3. On the right side of the illustration, the strings and their variant labels are what P1 and its variant labels are being compared against on the basis of visual confusability. The illustration intends to showcase the diversity of the strings being compared in the String Similarity Review. Some strings do not have any variant labels while some others have multiple. None, one, or more variant labels may be requested.



Following considerable discussion, the EPDP Team expressed support for a mixed-level approach between Level 2 and Level 3, which became known as the “Hybrid Model”. This Hybrid Model was the result of substantial work undertaken by the EPDP Team’s String Similarity Review small group, which was convened and tasked with putting forward recommendations to the EPDP Team on the level of comparison appropriate for String Similarity Review. The small group based its work on concrete examples of strings that have variant labels which may be visually confusable with other strings in the same or different scripts. A more detailed account of the small group’s work and the EPDP Team’s discussions of the Hybrid Model is included in Annex A: String Similarity Review Hybrid Model Deliberation.

In the Hybrid Model, visual checks under the String Similarity Review are performed for every applied-for primary gTLD string, whether it is an ASCII string or an IDN string, and its allocatable and blocked variant labels (collectively, the variant label set of the applied-for primary gTLD string). In addition, the Hybrid Model includes comparison with 1) New gTLD Program Reserved Names and all of their allocatable and blocked variant labels; and 2) any other two-character ASCII strings and all of their allocatable and blocked variant labels. This follows the standard used in the String Similarity Review affirmed by the SubPro PDP. Every combination of comparison is included in this model except for every blocked variant label against other blocked variant labels.

The Hybrid Model is summarized in the following **Table 2** and **Table 3**, which attempt to present how the strings are being compared in two ways.

- **Table 2: One way to present the String Similarity Review Hybrid Model**

	Compare	Against
<b>Hybrid Model</b>	<ul style="list-style-type: none"> <li>● Each applied-for gTLD string (as the primary gTLD string)</li> <li>● All allocatable variant labels of the applied-for primary gTLD string</li> </ul>	<ul style="list-style-type: none"> <li>● All existing gTLDs and ccTLDs and all allocatable and blocked variant labels of those TLDs</li> <li>● All other applied-for primary gTLD strings and all allocatable and blocked variant labels of those strings</li> <li>● All requested primary ccTLD strings and all allocatable and blocked variant labels of those strings</li> <li>● All strings on the New gTLD Program Reserved Names list and all allocatable and blocked variant labels of those strings</li> <li>● Any other two-character ASCII strings and all of their allocatable and blocked variant labels</li> </ul>

	<ul style="list-style-type: none"> <li>All blocked variant labels of each applied-for primary gTLD string</li> </ul>	<ul style="list-style-type: none"> <li>All existing gTLDs and ccTLDs and all allocatable variant labels of those TLDs</li> <li>All other applied-for gTLD strings and all allocatable variant labels of those strings</li> <li>All requested primary ccTLD strings and all allocatable variant labels of those strings</li> <li>All strings on the New gTLD Program Reserved Names list and all allocatable variant labels of those strings</li> <li>Any other two-character ASCII strings and all of their allocatable variant labels</li> </ul>
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● **Table 3:** An alternative way to present the String Similarity Review Hybrid Model

		An applied-for primary gTLD string		
		An applied-for primary gTLD string	All of its allocatable variant label(s)	All of its blocked variant label(s)
All Existing gTLDs	All existing gTLDs	Compare	Compare	Compare
	All of their allocatable variant labels	Compare	Compare	Compare
	All of their blocked variant labels	Compare	Compare	<b>Do not compare</b>
All existing	All existing ccTLDs	Compare	Compare	Compare

		An applied-for primary gTLD string		
		An applied-for primary gTLD string	All of its allocatable variant label(s)	All of its blocked variant label(s)
ccTLDs	All of their allocatable variant labels	Compare	Compare	Compare
	All of their blocked variant labels	Compare	Compare	<b>Do not compare</b>
All applied-for gTLD strings	All applied-for gTLD strings	Compare	Compare	Compare
	All of their allocatable variant labels	Compare	Compare	Compare
	All of their blocked variant labels	Compare	Compare	<b>Do not compare</b>
All requested ccTLD strings	All requested ccTLD strings	Compare	Compare	Compare
	All of their allocatable variant labels	Compare	Compare	Compare
	All of their blocked variant labels	Compare	Compare	<b>Do not compare</b>
All strings on the New gTLD Program Reserved Names list	All Reserved Names	Compare	Compare	Compare
	All of their allocatable variant labels	Compare	Compare	Compare
	All of their blocked variant labels	Compare	Compare	<b>Do not compare</b>
Any other two-	Any other two-character ASCII	Compare	Compare	Compare



		An applied-for primary gTLD string		
		An applied-for primary gTLD string	All of its allocatable variant label(s)	All of its blocked variant label(s)
character ASCII strings	strings			
	All of their allocatable variant labels	Compare	Compare	Compare
	All of their blocked variant labels	Compare	Compare	<b>Do not compare</b>

To further explain the String Similarity Review Hybrid Model with concrete examples, the following illustrations show how the comparison of two primary gTLD strings in the Arabic script would be conducted.<sup>56</sup>

- **Illustration 2:** Applied-for primary string A1 has two allocatable variant labels and 21 blocked variant labels according to RZ-LGR calculation; applied-for primary string B1 doesn't have allocatable variant labels but 31 blocked variant labels.

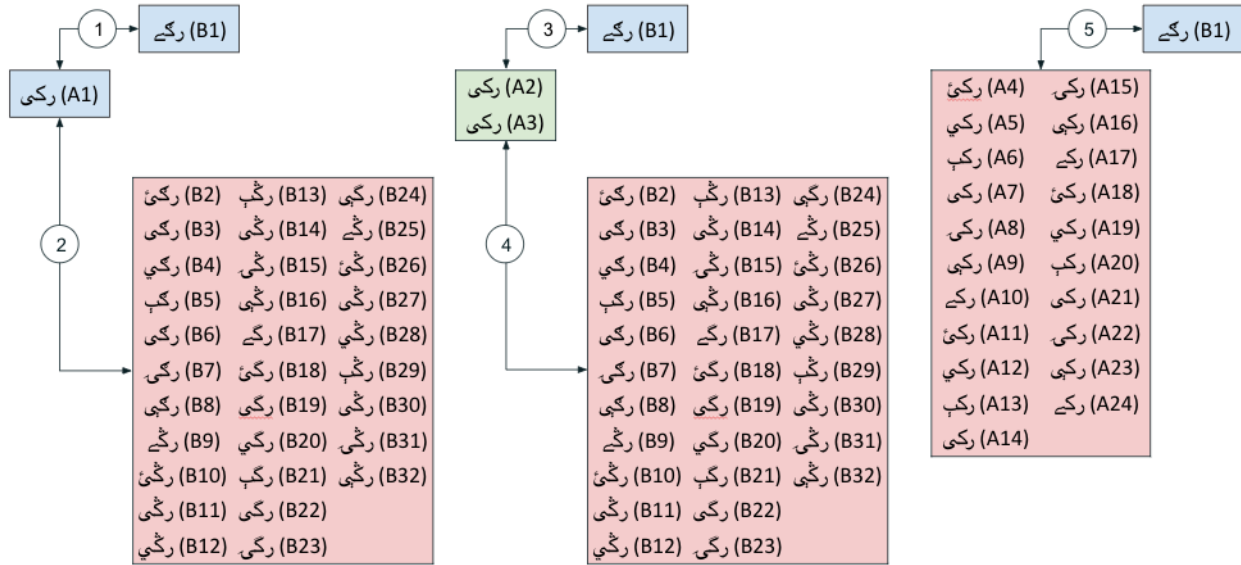
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<sup>56</sup> The String Similarity Review small group developed these example strings and considered how they would be compared in the String Similarity Review using the Hybrid Model. To learn more about the small group's deliberations, see Annex A in this Final Report.

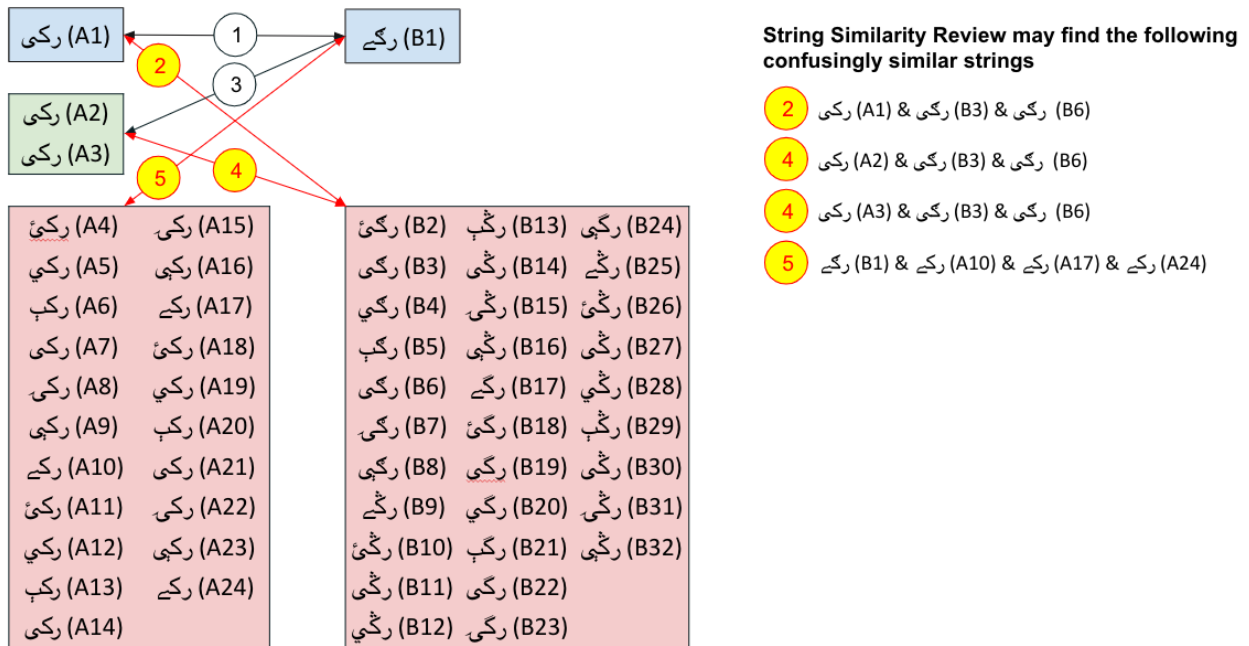
- **Illustration 3:** This shows how the comparison is done in the Hybrid Model. A1 is compared against B1, B2, B3...B32; A2 is compared against B1, B2, B3...B32; A3 is compared against B1, B2, B3...B32; and B1 is compared against A4, A5, A6...A24. Essentially all the labels in the two sets are compared against each other, with the

Applied-for Primary Strings:	رکی (A1)	رگے (B1)
Allocatable Variants of Primary Strings:	رکی (A2) رکی (A3)	None
Blocked Variants of Primary Strings:	رکی (A4)    رکی (A15) رکی (A5)    رکی (A16) رکپ (A6)    رکے (A17) رکی (A7)    رکی (A18) رکی (A8)    رکی (A19) رکی (A9)    رکپ (A20) رکے (A10)    رکی (A21) رکی (A11)    رکی (A22) رکی (A12)    رکی (A23) رکپ (A13)    رکے (A24) رکی (A14)	رگے (B2)    رگپ (B13)    رگی (B24) رگی (B3)    رگی (B14)    رگی (B25) رگی (B4)    رگی (B15)    رگی (B26) رگپ (B5)    رگی (B16)    رگی (B27) رگی (B6)    رگے (B17)    رگی (B28) رگی (B7)    رگی (B18)    رگپ (B29) رگی (B8)    رگی (B19)    رگی (B30) رگے (B9)    رگی (B20)    رگی (B31) رگی (B10)    رگپ (B21)    رگی (B32) رگی (B11)    رگی (B22) رگی (B12)    رگی (B23)

exception of comparing the blocked variant labels (A4-A24) of primary string A1 against the blocked variant labels (B2-B32) of primary string B1.



- **Illustration 4:** This shows the variant labels that may be found to be confusingly similar as a result of the Hybrid Model. Even though the applied-for primary string A1 and primary string B1 may not be confusingly similar, confusing similarity may be found when their variant labels are taken into consideration. Those visual similarities won't be detected if only Level 1 or Level 2 of comparison is used in the String Similarity Review.



The Hybrid Model is designed to mitigate the potential risk from two types of “failure modes” defined in SAC060, which can be caused by delegating confusingly similar strings:

- **“Denial of service” or “no-connection”:** a user attempts to visit <http://example.Y>, reading it as being the same as the <http://example.X> that, for example, he or she saw in

an advertisement, but the connection does not work because <http://example.X> is not registered.<sup>57</sup>

- “Misconnection”: a user attempts to visit <http://example.Y>, reading it as being the same as the <http://example.X> that, for example, he or she saw in an advertisement, but arrives at a site controlled by a registrant different to that of <http://example.X>.<sup>58</sup>

The EPDP Team generally agreed that while denial of service/no-connection failure mode may be a nuisance for users, the misconnection risk may be more problematic and could result in harm through exploitation of user confusion. It was acknowledged that arriving at the wrong site, even if a legitimate site, can result in credential compromise and accidental exposure of information. If the confusing similarity among domain names is maliciously leveraged, it can be a DNS abuse vector. The EPDP Team also noted that confusion at the top-level, which may be exacerbated by the introduction of gTLD variant labels, increases the possibility of DNS abuse more than that at the second-level.

The EPDP Team acknowledged the efficacy of the Hybrid Model in detecting more combinations of visually confusable strings in the String Similarity Review compared to Level 1 or Level 2 analysis, and hence helps reduce the likelihood of risks associated with the two aforementioned failure modes, which would otherwise be missed if blocked variant labels were not required to be a part of the analysis.<sup>59</sup>

By excluding the need to compare blocked variant labels of an applied-for primary gTLD string against blocked variant labels of *inter alia* other existing TLDs, other applied-for primary gTLD strings, and requested primary ccTLD strings, the Hybrid Model eliminates what the EPDP Team considered to be clearly unnecessary computational and evaluation complexity, as none of the blocked variant labels can be delegated, and therefore similarities between non-existing labels should not cause user confusion. On the other hand, an allocatable variant label that has yet to be applied for retains the potential to cause user confusion and therefore is required to be compared.

The EPDP Team recognized that the Hybrid Model would introduce some significant computational and evaluation complexity in the String Similarity Review, and any increase in the complexity would likely add to the cost of application evaluation.<sup>60</sup> From a risk assessment angle, the EPDP Team sought to understand whether the complexity that the Hybrid Model would introduce was commensurate with the “likelihood” and the “severity” of risks from the two aforementioned failure modes.

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<sup>57</sup> The term “denial of service” should not be confused with Distributed Denial of Service (DDOS). The SAC060 advice coined this term to indicate the “no connection” scenario described above.

<sup>58</sup> See Recommendation 7 in “SAC060, SSAC Comment on Examining the User Experience Implications of Active Variant TLDs Report”, p.14: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=14>

<sup>59</sup> To understand why blocked variant labels should also be included in String Similarity Review, the small group discussed a use case where a blocked variant label may play a role in the resulting “misconnection”. See *Illustration 1* in Annex A in this Final Report.

<sup>60</sup> See more details about the cost/benefit analysis of the Hybrid Model in Annex A.

In considering the risk assessment model developed by ICANN org support staff, the EPDP Team found it challenging to quantify the “likelihood” and the “severity” of the two risks, even with the understanding that the risk assessment model relied on individual professional judgment.<sup>61</sup> Some EPDP Team members felt that this risk assessment would be far less beneficial, given their perspective that relevant data would be needed to formulate professional judgment, and that data does not exist.

Following further deliberations, the EPDP Team also indicated some support for an exception to the Hybrid Model. The exception is that the String Similarity Review Panel may decide whether and what blocked variant labels to omit when conducting a comparison on the basis of a manifestly low level of confusability between the scripts of the labels being compared. The omitted blocked variant labels can be the ones associated with any category of strings mentioned in the Hybrid Model, including existing TLDs, applied-for gTLD strings, requested ccTLD strings, New gTLD Program Reserved Names, and two-character ASCII strings. Any such decision by the String Similarity Review Panel must be based on guidelines and/or criteria, to be developed during implementation, that justify such an omission. It was suggested that additional research or study could potentially be done during implementation of the EPDP Team recommendations to identify such scripts and inform whether the inclusion of blocked variant label(s) in the String Similarity Review is necessary.

### E3 Public Comment Review:

**Final Recommendation 4.1:** The EPDP Team accepted a suggestion raised in Public Comment to provide a numbered list, replacing the original bullet list, to enhance clarity when referring to the specific elements of the Hybrid Model. The EPDP Team also agreed with a comment regarding the possibility that an applied-for string, which has more than two characters, may be found confusingly similar to a two-character ASCII string or its variant label. Hence, in 4.1.6 and 4.1.12, the EPDP Team agreed to remove any limitation with regard to the length of an applied-for gTLD string. In other words, no matter how many characters an applied-for primary gTLD string has, it will be compared against two-character ASCII strings; their variant labels will also be compared against each other based on the Hybrid Model.

**Final Recommendation 4.2:** Based on an input received after public comment, the EPDP Team added a clarification in the rationale that the omitted blocked variant labels can be the one associated with any category of strings mentioned in the Hybrid Model, at the discretion of the String Similarity Review Panel.

**Final Recommendation 4.3:** Several commenters supported this recommendation as written.

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<sup>61</sup> To learn more about the risk assessment model, see Annex A in this Final Report. For additional details, see the presentation slides, recording, and notes for meeting #63 <https://community.icann.org/x/PYYFDQ> on 22 December 2022 and meeting #64 <https://community.icann.org/x/X5E-DQ> on 5 January 2023.

## E3a Charter Question:

*After a requested variant string is rejected as a result of a string similarity review, should the other variant strings in the same variant set remain allocatable? Should individual labels be allowed to have different outcomes/actions (e.g., some labels be blocked and some be allowed to continue with an application process)?<sup>62</sup>*

## E3a Final Recommendations:

**Final Recommendation 4.4:** All labels from a variant label set, comprising the primary gTLD string and all of its allocatable and blocked variant labels, must share the same outcome out of the String Similarity Review. This means the String Similarity Review, in accordance with Final Recommendations 4.1-4.3, determines that:

4.4.1 If an applied-for primary gTLD string or any of its variant label(s) is confusingly similar to an existing gTLD, an existing ccTLD, a New gTLD Program Reserved Name, a two-character ASCII string, or any of the variant label(s) of the aforementioned categories of strings, the entire variant label set of the applied-for primary gTLD string will be ineligible to proceed in the application process; or

4.4.2 If an applied-for primary gTLD string or any of its variant label(s) is confusingly similar to another applied-for primary gTLD string or any of its variant label(s), the entire variant label sets of the two applied-for primary gTLD strings will be placed in a contention set. Upon the resolution of the contention set, the application that prevails can proceed to the next stage of the application process.<sup>63</sup>

4.4.3 If an applied-for primary gTLD string or any of its variant label(s) is confusingly similar to a requested primary IDN ccTLD string or any of its variant label(s), ICANN org is expected to take the following approach to resolve the conflict:

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<sup>62</sup> The Staff Paper recommends that the following outcomes may be considered: 1) only the variant label requested for delegation is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected while t1v1 and t1v3 from the same variant set continue to remain allocatable; or 2) the entire variant set is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected including t1v1 and t1v3 from the same variant set as t1v2. This outcome appears to be difficult to justify, though an applicant could decide that, if it cannot receive t1v2 then it does not wish to proceed with the application. See Section 3.8.2 in the Staff Paper, pp.21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>

<sup>63</sup> Note that in accordance with Final Recommendation 4.1-4.3, the String Similarity Review will exclude the comparison of a blocked variant label against other blocked variant labels. For example, if the blocked variant label of an applied-for primary gTLD string is confusingly similar to a blocked variant label of an existing gTLD, the application can proceed to the next stage of the application process. If the blocked variant label of an applied-for primary gTLD string is confusingly similar to a blocked variant label of another applied-for primary gTLD string, both applications can proceed to the next stage of the application process.

4.4.3.1 If one of the applied-for primary TLD strings has completed its respective process before the other is lodged, that primary TLD string (and its approved variant label(s), if applicable) will be delegated.

4.4.3.1.1 An applied-for primary gTLD string that has successfully completed all relevant evaluation stages, including dispute resolution and string contention, if applicable, and is eligible for entry into a registry agreement will be considered complete, and therefore that gTLD application (primary gTLD string and applied-for variant label(s), if applicable) would not be disqualified by a newly-filed IDN ccTLD request.

4.4.3.1.2 A requested primary IDN ccTLD that is validated will be considered complete and therefore that IDN ccTLD request (primary IDN ccTLD string and requested variant label(s), if applicable) would not be disqualified by a newly-filed gTLD application.<sup>64</sup>

4.4.3.2 In the case where neither application has completed its respective process, the gTLD application (including the applied-for variant label(s), if applicable) will be put on hold while the IDN ccTLD request (including the requested variant label(s), if applicable) is undergoing evaluation.

4.4.3.2.1 Where the gTLD application (including the applied-for variant label(s), if applicable) does not have the support or non-objection, when required, from the relevant government or public authority, the validated IDN ccTLD request (including the requested variant label(s), if applicable) will prevail and the gTLD application is not eligible to proceed in the application process.

4.4.3.2.2 Where the IDN ccTLD request (including the requested variant label(s), if applicable) is withdrawn or fails evaluation, the gTLD application (including the applied-for variant label(s), if applicable) is eligible to proceed in the application process.

4.4.3.3 In the case where the gTLD application (including the applied-for variant label(s), if applicable) has obtained the support or non-objection of the relevant government or public authority, but is ineligible to proceed due to conflict with an IDN ccTLD request, a full refund of the

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<sup>64</sup> The term “validated” essentially means successfully evaluated. This term was initially defined in the IDN ccTLD Fast Track Process Implementation and reaffirmed in the [ccPDP4 Initial Report](#). See the “Validation of IDN ccTLD Strings & Variants” section in the ccPDP4 Initial Report for more details.

evaluation fee is available to the gTLD applicant if its application was submitted prior to the publication of the IDN ccTLD request.

4.4.4 If an applied-for primary gTLD string or any of its variant label(s) is confusingly similar to an applied-for primary gTLD string or any of its variant label(s) that has been held over from a previous application round and still in progress, the newly submitted application will be put on hold until the outcome of the application from the previous round has been determined.

4.4.4.1 If the application from a previous round successfully completes evaluation and is eligible for entry into a registry agreement, the entire variant label set of the newly applied-for primary gTLD string is ineligible to proceed in the application process.

4.4.4.2 If the application from a previous round is withdrawn or fails evaluation, the newly submitted application is eligible to proceed to the next stage of the application process.

### E3a Rationale for Final Recommendations:

**Rationale for Final Recommendation 4.4:** The EPDP Team agreed that a variant label set, which comprises a primary gTLD string and all of its allocatable and blocked variant labels, will be treated as one unit and be subject to the same consequences of the String Similarity Review.

As explained in the rationale for [Final Recommendations 4.1-4.3](#), the EPDP Team proposed that the String Similarity Review be modified to extend its visual similarity checks beyond just the applied-for primary gTLD string (no matter whether it is an ASCII string or an IDN string). The String Similarity Review is expected to include the entire variant label set of an applied-for primary gTLD string for the purpose of identifying risks of confusability in any of the labels from a variant label set, not just the applied-for primary gTLD string but also any of the allocatable or blocked variant label. If one label from the variant label set is found to carry a risk of confusability, the other labels from the variant label set may also carry the same risk by association, as the labels from the variant label set are regarded as the “same” by the communities who use the script to which the set is associated.

During the drafting of this Final Report, the EPDP Team recognized that the preliminary recommendation missed to address two scenarios regarding the confusing similarity found between: 1) an applied-for primary gTLD string (or its variant label) and a requested primary IDN ccTLD string (or its variant label); 2) an applied-for primary gTLD string (or its variant label) in one application round and an applied-for primary gTLD string (or its variant label) held over from a previous application round. In this final recommendation, the EPDP Team filled the gap by specifying the respective outcomes in these two scenarios. In particular, the process of



resolving the conflict between an applied-for gTLD string (or its variant label) and a requested IDN ccTLD string (or its variant label) is consistent with that in the 2012 Applicant Guidebook.<sup>65</sup> The EPDP Team noted that the reason “IDN ccTLD” is specified in 4.4.3 and its sub items is that 4.4.1 has already addressed the scenario where an applied-for primary gTLD string or any of its variant label(s) is found confusingly similar to an ASCII ccTLD string or any of its variant label(s). Furthermore, the underlying assumption behind 4.4.3.1 and its sub items is that as long as the applied-for primary gTLD string has successfully completed evaluation, its application (including the applied-for variant label(s), if applicable) would not be disqualified by a newly filed IDN ccTLD request. The reverse holds true as well. Furthermore, the EPDP Team noted that 4.4.3.2.1 specifically intends to address the scenario where a gTLD application, including but not limited to a Geographic Name TLD application, requires support or non-objection from the relevant government or public authority and it conflicts with an IDN ccTLD request due to visual similarity.

The EPDP Team recognized that mechanisms exist in the New gTLD Program to which relevant parties can avail themselves to dispute the outcomes of the String Similarity Review, including the objection processes. These mechanisms allow for the outcomes of the String Similarity Review to be potentially changed, which in turn, could result in the reinstatement of applications or the removal of strings from a contention set.

### E3a Public Comment Review:

**Final Recommendation 4.4:** Based on input received following the Public Comment proceeding, the EPDP Team noticed an oversight of missing the mention of New gTLD Program Reserved Names and two-character ASCII strings. 4.4.1 was revised to include these missing elements. The EPDP Team also added 4.4.3 and 4.4.4 and their sub items to fill the gaps identified during the Final Report drafting process. In addition, taking into account a suggestion received from Public Comment, the EPDP Team provided a numbered list, replacing the original bullet list, to enhance clarity.

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<sup>65</sup> See Section 2.2.1.1.1 Reviews Performed in the 2012 Applicant Guidebook.

## 5 Objection Processes

### E2 Charter Question:

*Under the rules of the most recent gTLD application round, there are four criteria for objections to a string (see gTLD Applicant Guidebook, version 2012-06-04, section 3.2.1).<sup>66</sup> The SubPro PDP has also affirmed the continuation of these four criteria for objections to a string, while proposing recommendations and implementation guidance to enhance/adjust these criteria.<sup>67</sup>*

*The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the objection process for the variant label applications of existing and future TLDs.*

### E2 Final Recommendations:

**Final Recommendation 5.1:** All applied-for allocatable gTLD variant labels must be subject to the objection processes.

**Final Recommendation 5.2:** A String Confusion Objection may be filed based on confusing similarity between combinations of applied-for primary gTLD strings and their variant labels established by Final Recommendations 4.1-4.2. The possible combinations are as follows:

- 5.2.1 Applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.2 Applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.3 Applied-for primary gTLD string is confusingly similar to a blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.4 An allocatable variant label of an applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.5 An allocatable variant label of an applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.6 An allocatable variant label of an applied-for primary gTLD string is confusingly similar to a blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.7 A blocked variant label of an applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string

<sup>66</sup> The four criteria are: String Confusion Objection; Legal Rights Objection; Limited Public Interest Objection; and Community Objection.

<sup>67</sup> See "Topic 31: Objections" in the SubPro PDP Final Report, pp.145-154: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=145>

5.2.8 A blocked variant label of an applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string<sup>68</sup>

The only combination of strings that cannot form the basis of a String Confusion Objection is that of a blocked variant label of an applied-for primary gTLD string being claimed as confusingly similar to the blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string. In its objection, the objector must specify the confusing similarity between the combination of strings within the limits of String Similarity Review in accordance with [Final Recommendations 4.1-4.2](#).

**Final Recommendation 5.3:** The outcomes of the String Confusion Objection are consistent with the 2012 Applicant Guidebook. Specifically:

5.3.1 If the objection prevails and where the objector is an existing TLD registry operator, then that entire application is ineligible to proceed to the next stage of the application process; or

5.3.2 If the objection prevails and where the objector is another applicant, then the entire variant label sets in both that application and the objector's application must be placed in a contention set.

5.3.3 If the objection does not prevail, then that entire application may proceed to the next stage of the application process.

**Final Recommendation 5.4:** With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection, an objection may be filed against only the applied-for primary gTLD strings and/or the applied-for allocatable variant labels. For avoidance of doubt, the objection cannot be filed against non-applied-for allocatable variant labels or blocked variant labels. Specifically, the objection can be filed against one of the following options:

5.4.1 Only the applied-for primary gTLD string, or

5.4.2 One or more of the applied-for allocatable variant label(s), or

5.4.3 A combination of the applied-for primary gTLD string and one or more applied-for allocatable variant label(s)

**Final Recommendation 5.5:** With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection, the possible outcomes are as follows:

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<sup>68</sup> In the context of recommendations in this Phase 1 Final Report, a "blocked" label refers to either: 1) a label within the same script that is deemed valid as a top-level domain by the RZ-LGR but unavailable for allocation or delegation; or 2) a mixed-script blocked label permitted by the RZ-LGR as an exception (i.e., only Japanese has such an exception). To be clear, the "blocked" variant labels in this Phase 1 Final Report do not include the labels created by mixing different scripts. Such mixed-script labels are not eligible to be top-level domains with the exception of Japanese.

5.5.1 If an objection against an applied-for primary gTLD string prevails, then that entire application is ineligible to proceed to the next stage of the application process.

5.5.2 If an objection against only one or more applied-for allocatable variant label(s) prevails, then that application for the applied-for primary gTLD string and other unaffected applied-for allocatable variant label(s) may proceed to the next stage of the application process without the applied-for allocatable variant label(s) which are rendered ineligible by the objection.

5.5.3 If the objection does not prevail, then that entire application may proceed to the next stage of the application process.

## E2 Rationale for Final Recommendations:

**Rationale for Final Recommendation 5.1:** The EPDP Team agreed with the standard for the four types of objection processes, which has been affirmed by the SubPro PDP, and agreed that all allocatable gTLD variant labels sought by applicants must be subject to the objection processes.

**Rationale for Final Recommendations 5.2-5.3:** The EPDP Team affirmed the standard for String Confusion Objection as set out in the 2012 Applicant Guidebook, which has also been affirmed by SubPro PDP.<sup>69</sup> However, the EPDP Team proposes adjustments to the String Confusion Objection by taking into account the introduction of gTLD variant labels. The EPDP Team agreed that the String Confusion Objection goes one step further than the String Similarity Review to prevent the “failure modes” by identifying confusingly similar strings not limited to visual similarity, but also aural similarity, similarity of meaning, etc.<sup>70</sup> Since the EPDP Team proposed modification to the String Similarity Review in accordance with Final Recommendations 4.1-4.3, it logically follows that a String Confusion Objection may be filed based on the confusing similarity between combinations of applied-for primary gTLD strings (no matter whether it is an ASCII string or an IDN string) and their variant labels established by Final Recommendations 4.1-4.2.

The EPDP Team agreed that the outcomes of the String Confusion Objection are consistent with what is set out in the 2012 Applicant Guidebook, which has also been affirmed by SubPro PDP.

**Rationale for Final Recommendations 5.4-5.5:** The EPDP Team affirmed the standard of the Limited Public Interest Objection, Legal Rights Objection, and Community Objection as set out in the 2012 Applicant Guidebook, which have also been affirmed by SubPro PDP.<sup>71</sup> In discussing

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<sup>69</sup> See “Topic 31: Objections” in SubPro PDP Final Report, pp.145-150: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=145>

<sup>70</sup> For more details about the “failure modes”, see Recommendation 7 in “SAC060, SSAC Comment on Examining the User Experience Implications of Active Variant TLDs Report”, p.14: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=14>

<sup>71</sup> See “Topic 31: Objections” in SubPro PDP Final Report, pp.145-150: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=145>

potential adjustments to these types of objection processes by taking into account the introduction of gTLD variant labels, the EPDP Team analyzed the purposes of these types of objections, which are different from that of the String Confusion Objection for preventing the “failure modes”. Specifically, these types of objections are intended to prevent delegation of strings that contradict legal norms of morality and public order recognized under principles of international law (Limited Public Interest Objection), infringe the existing legal rights of the rightsholder (Legal Rights Objection), and have substantial opposition from a significant portion of the community that the applied-for gTLD targets (Community Objection). Therefore, the EPDP Team believes it is logical that those three objection types will be limited to only the applied-for primary gTLD strings and the applied-for allocatable variant labels that may actually be delegated as a result of the applications being approved.

In discussing the Legal Rights Objection and Community Objection, the EPDP Team also considered an alternative approach, in which the objection could also be filed against non-applied-for allocatable variant labels and blocked variant labels. It is intended to prevent the scenario where an existing primary gTLD may block the future chance for a rightsholder or a community to apply for a string that is the same or similar to a valid variant label of the existing primary gTLD. Based on the outcomes of the String Similarity Review as explained in [Final Recommendation 4.4](#), future applications for such strings may not be able to proceed due to visual similarity to a non-applied-for allocatable variant label or a blocked variant label of an existing primary gTLD.

In considering this alternative approach, the EPDP Team discussed possible consequences of a prevailing objection against different types of strings, including the primary gTLD string, applied-for allocatable variant label, non-applied-for allocatable variant label, and blocked variant label. The EPDP Team concluded that there is only one logical way to structure the outcomes. Regardless of the specific type of string the objection is filed against, if the objection prevails, the entire application is ineligible to proceed. As such, the very scenario the alternative approach intends to prevent can be prevented. In other words, in the event of a prevailing objection, a non-applied-for allocatable variant label or a blocked variant label could prevent the applicant from operating its actual applied-for primary gTLD string and applied-for allocatable variant label(s).

The EPDP Team determined that this alternative approach was overly conservative and inappropriate, hence recommending the limited approach, allowing these three types of objections to be filed against only the applied-for primary gTLD strings and/or the applied-for allocatable variant labels. The EPDP Team acknowledged that with the recommended approach, a delegated primary gTLD might block the chance for a rightsholder or a community to apply for another string that is the same or similar to any valid variant label of the existing primary gTLD, due to the modified String Similarity Review in accordance with [Final Recommendations 4.1-4.3](#). However, the EPDP Team recalls that the first-come-first-serve principle generally applies in the New gTLD Program and that it will similarly apply in these cases. In addition, the limited challenge mechanism recommended by SubPro PDP can be

leveraged to potentially change the outcomes of the String Similarity Review, which may result in the reinstatement of applications for such strings.<sup>72</sup>

It also logically follows that the outcome of a prevailing objection for these three types is limited. Specifically, if an objection against only one or more applied-for allocatable variant label(s) prevails, then that application for the applied-for primary gTLD string and other unaffected applied-for allocatable variant label(s) may proceed to the next stage of the application process without the applied-for allocatable variant label(s) which are rendered ineligible by the objection. However, if an objection against an applied-for primary gTLD string prevails, then that entire application is ineligible to proceed to the next stage of the application process. This is generally consistent with what is set out in the 2012 Applicant Guidebook, which has also been affirmed by SubPro PDP.

## E2 Public Comment Review:

**Final Recommendation 5.1:** Several commenters supported this recommendation as written.

**Final Recommendations 5.2-5.5:** Taking into account a suggestion received from Public Comment, EPDP Team provided numbered lists, replacing the original bullet lists, to enhance clarity.

**Final Recommendations 5.3 and 5.5:** The EPDP Team considered a wording change suggested in Public Comment and agreed to use the phrase “that entire application”, replacing the original phrase “that application (in its entirety)”, in order to resolve any semantic inconsistencies and minimize potential for misinterpretation.

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<sup>72</sup> See details of the limited challenge mechanism for String Similarity Review in the SubPro PDP Final Report, pp.329-330: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=329>

## 6 String Contention

### E4 Charter Question:

*Under current procedures, resolution of string contention for applied for gTLD strings may include components such as a settlement between the parties, a community priority evaluation (if a community-based applicant in a contention set elects this option), and an auction. SubPro PDP affirmed these components while proposing recommendations and implementation guidance to enhance the mechanisms for string contention resolution.<sup>73</sup>*

*The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the string contention resolution mechanism for variant label applications of existing and future new gTLDs.<sup>74</sup>*

### E4 Final Recommendations:

**Final Recommendation 6.1:** An applied-for primary gTLD string that is also a variant label of another applied-for primary gTLD string, as calculated by the RZ-LGR, must be placed in a contention set.

**Final Recommendation 6.2:** If an applied-for primary gTLD string or its variant label is found to be confusingly similar to another applied-for primary gTLD string or its variant label, the entire variant label sets in the affected applications shall be placed in a contention set together.<sup>75</sup> This applies no matter whether the primary gTLD string is an ASCII string or an IDN string.

### E4 Rationale for Final Recommendations:

**Rationale for Final Recommendation 6.1:** The EPDP Team noted that in the 2012 New gTLD Program, two or more applied-for gTLD strings that are variant labels of each other according to an IDN table submitted to ICANN would be considered in contention with one another. The SubPro PDP and the EPDP Team both affirmed that the RZ-LGR be the sole source to provide a consistent definition of variant labels for gTLDs. Thus, the EPDP Team agreed that it is logical to place the applied-for primary gTLD strings that are variant labels of each other, as calculated by the RZ-LGR, in a contention set. Only the application which prevails in the string contention

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<sup>73</sup> See “Topic 35” in the SubPro PDP Final Report, pp. 173-182: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=173>

<sup>74</sup> For contention issues that involve the same entity, the Staff Paper suggests that the following resolution options may be considered, with a preference to the second option: 1) When the requested variant labels are placed in a contention set for later evaluation, the applicant is notified of the contention set and has the opportunity to establish that both applications are from the same entity. 2) It may be more efficient to establish early on in the string similarity review that the variant labels are being requested by the same entity prior to reaching the contention phase. See Section 3.8.2 in the Staff Paper, p. 21: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>

<sup>75</sup> Note that Final Recommendations 4.1-4.3 exclude the comparison of a blocked variant label against other blocked variant labels, so confusing similarity between the blocked variant labels of two or more applied-for primary gTLD strings will not place the variant label sets of those applied-for primary gTLD strings in a contention set.

resolution is able to proceed to the next stage. Other labels in the contention set, which according to the disposition values calculated by the RZ-LGR are variant labels of the prevailing applied-for gTLD string, will remain either withheld or blocked for the prevailing applicant. This approach abides by the “same entity” principle of having the same registry operator for all allocatable variant labels of a primary gTLD.

**Rationale for Final Recommendation 6.2:** Since the visual similarity check is conducted for the entire variant label set based on the Hybrid Model, it is logical to place the entire variant label set in a contention set if confusing similarity is found, as opposed to only the applied-for primary gTLD strings and applied-for allocatable variant labels.

#### **E4 Public Comment Review:**

**Final Recommendation 6.1:** Several commenters supported this recommendation as written.

**Final Recommendation 6.2:** The EPDP Team considered a comment received, and agreed to replace the original phrase “processed in the contention set” in the recommendation language with “placed in a contention set” to clarify the intent.



## 7 Contractual Requirements

### D1a Charter Question:

*A TLD is subject to a Registry Agreement with ICANN. In case of IDN variant TLDs, ICANN would execute the Registry Agreement with the same entity but potentially diverge in future Registry Agreement amendments, addendums, and renewals. Should each TLD label be the subject of a separate Registry Agreement with ICANN?<sup>76</sup> If not, should each TLD label along with its variant labels be subject to one Registry Agreement with the same entity? Rationale for such definition must be clearly stated along with the answer, including goals and motivations.*

### D1a Final Recommendations:

**Final Recommendation 7.1:** Any future gTLD along with its variant labels (if any) must be subject to one Registry Agreement with each variant label having the same service level agreements (SLAs) and other operational requirements.

**Implementation Guidance 7.2:** A new specification or an amendment to the Base Registry Agreement for any future gTLD along with its variant label(s) may need to be developed to incorporate variant management provisions.

**Final Recommendation 7.3:** Any existing registry operator that is successful in its future application for its variant label(s) must be required to adopt contractual terms to accommodate the newly approved variant label(s) by way of a new Specification to its existing Registry Agreement.

### D1a Rationale for Final Recommendations:

**Rationale for Final Recommendation 7.1 and Implementation Guidance 7.2:** The EPDP Team developed this recommendation, in part, to maintain the “same entity” principle. gTLDs and their variant labels are expected to behave as a set throughout their lifecycle and a single Registry Agreement is one of the important vehicles to keep the variant label set together. The EPDP Team agreed that it is efficient and logical to have a future primary gTLD and its approved variant labels subject to one Registry Agreement with one registry operator. Each approved label from the variant label set, as authorized by ICANN, must be subject to the same base terms and conditions of the one Registry Agreement, with each variant label having the same service level agreements (SLAs) and other operational requirements.

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<sup>76</sup> Based on the premise that a gTLD variant label is a gTLD label with its status indistinguishable from any other gTLD label in the root zone, the Staff Paper recommends that each gTLD variant label would be the subject of a separate Registry Agreement with ICANN, as each gTLD variant label is, in effect, a gTLD. See Section 3.6 in the Staff Paper, p.15:  
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=15>

The EPDP Team understood that an updated Base Registry Agreement for future rounds will be developed during implementation of the SubPro PDP Outputs. Therefore, the EPDP Team suggested that the relationship between a future gTLD and its variant label(s) can be contained in a special provision of the updated Registry Agreement. A practical solution for consideration may be developing a new specification or an amendment to the Base Registry Agreement. This new specification or amendment can specifically incorporate variant management provisions, including but not limited to the contractual requirements regarding the “same entity” principle in accordance with Final Recommendations 7.6-7.7.

**Rationale for Final Recommendation 7.3:** The EPDP Team learned from ICANN org that the current Base Registry Agreement from 2017 may be insufficient in form and substance to address variant management at the top-level, as gTLD variant labels have never been permitted.<sup>77</sup> The EPDP Team also understood that updating the Base Registry Agreement for existing registry operators from the 2012 round is subject to the global amendment process. That process is limited in frequency and must be accepted by the registry operators per the applicable thresholds. Currently, there are no existing rules, processes, or procedures for allowing individual registry operators to move between base versions of the Registry Agreement. The EPDP Team also noted that not all existing registry operators are on the same version of the Registry Agreement.

Taking into account the operational input from ICANN org, the EPDP Team agreed that it may be more expedient to require any existing gTLD registry operator that is successful in its future application for variant label(s) to adopt contractual terms to accommodate the newly approved variant labels by way of a new Specification to its existing Registry Agreement. The details of the Specification should be determined during implementation. At the time this recommendation was developed, it was envisioned that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted, based on the RZ-LGR version 5 calculation.

This approach will maintain consistency with Final Recommendation 7.1 and Implementation Guidance 7.2, as well as ensure uniformity in the use of Registry Agreement by all registry operators, including both existing and future registry operators that manage gTLD variant labels. It will also adhere to SubPro PDP Affirmation 36.2 which supports the “current practice of maintaining a single base Registry Agreement with ‘Specifications’”.<sup>78</sup>

## D1a Public Comment Review:

**Wording Change:** Final Recommendation 7.1 and Implementation Guidance 7.2 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendations 1.1-2.1:

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<sup>77</sup> In November 2022, ICANN org provided input from operational perspectives for a subset of draft recommendations that were considered stable: <https://mm.icann.org/pipermail/gnso-epdp-idn-team/attachments/20221116/c1e0a14b/IDNEPDPICANNOrgInput-16Nov22-0001.pdf>. See details pertaining to ICANN org input for this topic on pp.9-10.

<sup>78</sup> See Affirmation 36.2 in the SubPro PDP Final Report, p.183: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=183>

- Use “existing” when referring to all of the gTLDs that have been delegated in the root zone.
- Refrain from mentioning “2012 round” in the recommendation language when referring to the existing gTLDs, as this may be perceived as limiting and can potentially cause misinterpretation.
- Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.
- Add clarification in the rationale that at the time the recommendation was developed, it was envisaged that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted by Final Recommendation 7.3, based on the RZ-LGR version 5 calculation.

**Final Recommendation 7.1:** The EPDP Team agreed to accept a suggestion raised in Public Comment to add the requirement that each variant label will have the same SLAs and other operational requirements as the primary gTLD.

**Final Recommendation 7.3:** The EPDP Team discussed the concerns raised by some commenters regarding the preliminary recommendation which requires existing registry operators to enter into a separate, new Registry Agreement for the newly approved variant label(s). Based on the comments, the EPDP Team reconsidered this recommendation in conjunction with Final Recommendation 7.1, concluding that the different approaches would create complexity for implementation. Consequently, the EPDP Team revised this recommendation to similarly require a new Specification be added to an existing Registry Agreement in order accommodate the newly approved variant label(s) of an existing gTLD.

### D1b Charter Question:

*What should be the process by which an existing registry operator could apply for, or be allocated, a variant for its existing gTLD? What should be the process by which an applicant applying for a new IDN gTLD could seek and obtain any allocatable variant(s)? What should be the associated fee(s), including the application fees and annual registration fees for variant TLDs? Should any specific implementation guidance be provided?<sup>79</sup>*

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<sup>79</sup> SubPro PDP did not have substantive discussion about this question. Some SubPro PDP members believe that allocatable variant labels gTLDs should be made available to IDN gTLD registry operators and applicants, with only limited procedures and costs in place. As these deliberations arose late in the SubPro PDP’s life cycle, the group elected to only recommend the “same entity” principle for gTLD variant labels but refrained from providing recommendations on how gTLD variant labels can be obtained. However, SubPro includes in its recommendation that the “same entity” policy for the top-level must be captured in the relevant Registry Agreement. See Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117> and Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

## D1b Final Recommendations:

**Final Recommendation 7.4:** The registry fixed fee for a gTLD registry operator that operates the delegated gTLD label(s) from a variant label set must be the same as a gTLD registry operator of a single gTLD.

**Final Recommendation 7.5:** The calculation of the registry-level transaction fee must be based on the cumulative number of domain name registrations of the combined delegated gTLD label(s) from a variant label set.

## D1b Rationale for Final Recommendations:

**Rationale for Final Recommendation 7.4:** The EPDP Team noted that Article 6, Section 6.1 of the Base Registry Agreement specifies that a registry operator shall pay ICANN the registry fixed fee of US\$6,250 per calendar quarter.<sup>80</sup> Following the “same entity” principle that has been consistently reflected in several EPDP Team recommendations, including Final Recommendation 7.1 that requires a future gTLD and its variant label(s) to be subject to one Registry Agreement, the EPDP Team agreed that the registry fixed fee must cover both the delegated primary gTLD and its variant label(s). In other words, one registry fixed fee must cover all of the delegated gTLD label(s) from a variant label set. The EPDP Team also noted that the registry fixed fee is already substantial; requiring the registry operator to pay the registry fixed fee for each one of its delegated gTLD label(s) from a variant label set could potentially be a barrier to introducing gTLD variant labels at the top-level.

**Rationale for Final Recommendation 7.5:** The EPDP Team noted that Article 6, Section 6.1 of the Base Registry Agreement also specifies that a registry operator shall pay ICANN the registry-level transaction fee of US\$0.25 per calendar quarter for each domain name registration.<sup>81</sup> The registry-level transaction fee shall not apply until and unless more than 50,000 registrations have occurred in the gTLD during any calendar quarter or any consecutive four calendar quarter periods in the aggregate.

Following the “same entity” principle and given that all delegated gTLD variant label(s) from a variant label set are managed by the same registry operator, the EPDP Team agreed that the calculation of the registry-level transaction fee must be based on the cumulative number of domain name registrations of the combined delegated gTLD label(s) from a variant label set. In other words, whether the registry-level transaction fee threshold is met is determined by the cumulative number of domain name registrations of the primary gTLD and all of its delegated variant label(s), rather than by the number of domain name registrations of each delegated gTLD from the variant label set.

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<sup>80</sup> See Section 6.1 of the Base Registry Agreement here: <https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.pdf#page=18>

<sup>81</sup> Ibid.

By way of example, during a calendar quarter, if there are 25,000 domain name registrations of primary gTLD t1, 20,000 registrations of variant label t1v1, and 5,001 registrations of variant label t1v2, the cumulative number of domain name registrations of t1, t1v1, and t1v2 combined is 50,001, which surpasses the threshold for the registry-level transaction fee to apply.

### D1b Public Comment Review:

**Wording Change:** Final Recommendations 7.4-7.5 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendation 2.1: Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.

### B2 Charter Question:

*Both the SubPro PDP and the Staff Paper recommend that variant TLDs be operated by the same back-end registry service provider, the organization providing one or more registry services (e.g., DNS, DNSSEC, RDDS, EPP) for a registry operator. Should this recommendation be extended to existing TLDs and their variant TLD labels?*

### B2 Final Recommendations:

**Final Recommendation 7.6:** The registry service provider for each one of the Critical Functions as defined in the Base Registry Agreement for an existing gTLD must be the same as for its delegated variant labels. The Critical Functions are: DNS Service, DNSSEC proper resolution, EPP, RDDS, and Data Escrow.<sup>82</sup>

**Final Recommendation 7.7:** If the registry operator changes its gTLD’s registry service provider for any one of the Critical Functions, the variant label(s) of that gTLD must simultaneously transition to the same registry service provider for that Critical Function.

### B2 Rationale for Final Recommendations:

**Rationale for Final Recommendations 7.6-7.7:** For feasible and consistent implementation of the “same entity” requirement at the top-level, the EPDP Team extends the SubPro PDP Recommendation 25.5 and the Staff Paper Recommendation 7 to existing gTLDs and their variant labels.<sup>83</sup> At the time the recommendation was developed, it was envisaged that only

<sup>82</sup> See details in Section 6 of Specification 10 in the Base Registry Agreement:

<https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html#specification10>

<sup>83</sup> See Recommendation 25.5 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>; Recommendation 7 in the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=4>

existing IDN gTLDs delegated as a result of the 2012 round would be impacted by Final Recommendation 7.6, based on the calculation of RZ-LGR version 5.

Registry operators may use different third-party service providers for the provision of their Critical Functions. In the event that an existing gTLD registry operator applies for variant labels of its gTLD in the future, it will be required to use the same registry service provider for the provision of its respective Critical Functions. For example, its Data Escrow provider must be the same for the existing gTLD and the delegated variant labels; its DNS service provider must also be the same for its existing gTLD and the delegated variant labels.

The EPDP Team further recommends that the same registry service provider must operate all delegated gTLD label(s) from the variant label set at any given time. To that end, the transition to a new registry service provider must apply to the gTLD and all of its delegated variant label(s) at the same time.

## B2 Public Comment Review:

**Wording Change:** Final Recommendations 7.6-7.7 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendations 1.1-2.1:

- Use “existing” when referring to all of the gTLDs that have been delegated in the root zone.
- Refrain from mentioning “2012 round” in the recommendation language when referring to the existing gTLDs, as this may be perceived as limiting and can potentially cause misinterpretation.
- Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.
- Add clarification in the rationale of Final Recommendation 7.6 that at the time the recommendation was developed, it was envisaged that only existing IDN gTLDs delegated as a result of the 2012 round would be impacted, based on the RZ-LGR calculation.

**Final Recommendations 7.6-7.7:** The EPDP Team agreed with a suggestion raised in Public Comment to also mention “Critical Functions” in the recommendation language in order to resolve any semantic inconsistencies with Final Recommendation 7.6 and minimize potential for misinterpretation.

There was a concern raised in Public Comment that several EPDP-IDNs recommendations (including these recommendations) may not be worded in accordance with internationally recognized data protection principles. The EPDP Team recognized that this comment is out of scope. The EPDP Team also acknowledges that contracted parties must comply with all applicable laws and regulations.

## D2 Charter Question:

*In order to ensure that the same entity principle is maintained for a gTLD and its allocated variant TLD labels, what are the operational and legal impacts to the:*

- *Registry Transition Process or Change of Control in the Registry Agreement;*<sup>84</sup>
- *Emergency Back-End Registry Operator (EBERO) provisions; and*
- *Reassignment of the TLD as a result of the Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP)?*<sup>85</sup>

## D2 Final Recommendations:

**Final Recommendation 7.8:** In the event a Registry Transition or Change of Control process is initiated for a gTLD, the process must encompass the gTLD and all its allocated and delegated variant label(s), if any, at the same time.

**Final Recommendation 7.9:** After the Registry Transition Process or Change of Control process is completed for a gTLD and its allocated and delegated variant label(s), the successor registry operator can apply for the other non-delegated, allocatable variant label(s) of that gTLD in accordance with the “same entity” principle pursuant to Final Recommendation 2.1.

**Final Recommendation 7.10:** Emergency transition of a gTLD to an EBERO provider must include the allocated and delegated variant label(s) of that gTLD, if any. All these labels must be transitioned to the same EBERO provider at the same time.

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<sup>84</sup> The Staff Paper recommends that each set of Registry Agreement(s) must contain provisions requiring all the labels in the Internationalized Domain Label (IDL) set to follow the same process in the event of any registry transition via a Registry Transition Process or Change of Control. In no event, should the composition of the allocated and delegated set of gTLD variant labels be allowed to change at the same time as the change of the Registry Operator. The SubPro PDP also agreed that to the extent that the gTLD were to change hands at any point after delegation, the gTLD variant labels must remain linked contractually, which should be considered a persistent requirement (e.g., this would impact gTLD registry transition procedures). See Section 3.6 in the Staff Paper, p.15: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=15> and Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>

<sup>85</sup> The Staff Paper recommends that an emergency transition of a gTLD to an EBERO provider must trigger an emergency transition of all gTLD variant labels to the EBERO provider. In addition, the SubPro PDP also agreed that EBERO would be impacted due to the persistent requirement of ensuring that gTLD variant labels must remain linked contractually. See Section 3.6 in the Staff Paper, p.16: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16> and Rationale for Recommendation 25.5 in the SubPro PDP Final Report, p.117: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=117>. In the case where a Registry Agreement is terminated as a result of a TM-PDDRP determination, this would trigger the Registry Transition Procedure and various outcomes could apply. The Staff Paper notes that in the case of a reassignment of the gTLD, the “same entity” rule should continue to apply so that the gTLD variant labels would be assigned to the same entity together. See Section 3.7 in the Staff Paper, p.18: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

**Final Recommendation 7.11:** In the event a gTLD is reassigned as a result of a TM-PDDRP determination, that reassignment must include all allocated and delegated variant label(s) of the gTLD, if any, at the same time.

## D2 Rationale for Final Recommendations:

**Rationale for Final Recommendations 7.8-7.11:** The EPDP Team agreed with the rationale for SubPro PDP Recommendation 25.5 that “to the extent that the TLD were to change hands at any point after delegation, the variant TLDs must remain linked contractually, which should be considered a persistent requirement (e.g., this would impact gTLD registry transition procedures, including EBERO).”<sup>86</sup> To that end, the EPDP Team recommends that any future gTLD along with its variant label(s) (if any) will be subject to one Registry Agreement (see [Final Recommendation 7.1](#)). Furthermore, in the event of the registry transition – including emergency back-end registry operator temporary transition process and the reassignment of a gTLD as an outcome of a Trademark Post-Delegation Dispute Resolution Procedure (TM-PDDRP) determination – the EPDP Team recommends that a gTLD and all of its allocated and delegated variant label(s) must be included in the same process and transition to the same entity at the same time.

## D2 Public Comment Review:

**Wording Change:** [Final Recommendations 7.8-7.11](#) incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for [Final Recommendation 2.1](#): Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.

**Final Recommendations 7.8 and 7.11:** There was a concern raised in Public Comment that several EPDP-IDNs recommendations (including these recommendations) may not be worded in accordance with internationally recognized data protection principles. The EPDP Team recognized that this comment is out of scope. The EPDP Team also acknowledges that contracted parties must comply with all applicable laws and regulations.

**Final Recommendation 7.9:** The EPDP Team agreed with a suggestion raised in Public Comment to incorporate the “same entity” principle in the recommendation language, but disagreed with the suggestion of removing the term “successor”.

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<sup>86</sup> See Rationale for Recommendation 25.5 in the SubPro Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>



### D3 Charter Question:

*In order to ensure that the same entity principle is maintained, what are the operational and legal impacts to the data escrow policies, if any.<sup>87</sup>*

### D3 Final Recommendations:

**Final Recommendation 7.12:** The same data escrow provider must be contracted for the gTLD and its allocated and delegated variant label(s).

**Implementation Guidance 7.13:** The escrow data associated with each gTLD variant label should be stored in separate files.

### D3 Rationale for Final Recommendations:

**Rationale for Final Recommendation 7.12 and Implementation Guidance 7.13:** The EPDP Team agreed that the current practice with regard to data escrow requirements must be maintained for gTLDs and their allocated and delegated variant labels in order to maintain the stability of the associated domain name registrations. To facilitate the implementation of data escrow requirements in a consistent manner, the same data escrow provider must be contracted for the gTLD and its allocated and delegated variant label(s), which are subject to one Registry Agreement. Nevertheless, the escrow data associated with each variant label should be stored in separate files, as each variant label from the variant label set is an individual registration from a technical perspective.

The EPDP Team noted a suggestion from Public Comment to develop an implementation guidance, explicitly stating that each delegated variant label should be treated as a distinct gTLD in the business-to-business interactions related to the Registry Agreement. The EPDP Team agreed with this notion, but did not believe a separate implementation guidance was necessary. Its Implementation Guidance 7.13 is already consistent with this notion, recognizing each gTLD variant label as a distinct identifier for data escrow purposes.

### D3 Public Comment Review:

**Wording Change:** Final Recommendation 7.12 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendation 2.1: Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.

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<sup>87</sup> Data escrow is the act of storing data with a neutral third party in case of registry or registrar failure, accreditation termination, or accreditation relapse without renewal. ICANN requires all registrars and gTLD registries to contract with a data escrow provider in order to safeguard registrants. Because each variant label of the IDL set is just another registration, data escrow policies for TLDs apply individually to each. The Staff Paper notes that the data escrow requirements are automatically satisfied for gTLD variant labels. See Section 3.9.2 in the Staff Paper, p.22: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=22>

**Final Recommendation 7.12:** There was a concern raised in Public Comment that several EPDP-IDNs recommendations (including this recommendation) may not be worded in accordance with internationally recognized data protection principles. The EPDP Team recognized that this comment is out of scope. The EPDP Team also acknowledges that contracted parties must comply with all applicable laws and regulations.

**Implementation Guidance 7.13:** The EPDP Team noted a suggestion from Public Comment to explicitly state that each delegated variant label should be treated as a distinct gTLD in the business-to-business interactions related to the Registry Agreement. The EPDP Team agreed with this notion, but did not believe it was necessary. Implementation Guidance 7.13 is already consistent with this notion, recognizing each gTLD variant label as a distinct identifier for data escrow purposes.

### B5 Charter Question:

*Do restrictions that apply to a TLD (e.g., community TLDs, dot brand TLDs) also apply to its variants? Are these labels equally treated as different versions of the same string, or completely independent strings not bound by the same restrictions?*

### B5 Final Recommendations:

**Final Recommendation 7.14:** The applied-for primary gTLD string and any allocatable variant label sought by the applicant must be bound by the same restrictions, which will become contractual requirements upon execution of the Registry Agreement. Similarly, any allocatable variant label sought by an existing registry operator will be bound by the same restrictions as the existing gTLD upon execution of the new Specification to its existing Registry Agreement for the newly approved variant label(s). The restrictions in this recommendation refer to the differential treatment and requirements applied to non-standard types of gTLDs, which are Community-based TLDs, Brand TLDs, Geographic Name TLDs, as well as TLDs subject to Category 1 Safeguards.<sup>88</sup>

### B5 Rationale for Final Recommendations:

**Rationale for Final Recommendation 7.14:** The EPDP Team discussed this charter question in the context of new gTLD applications for the non-standard types of gTLDs that have differential treatment and requirements, such as different application questions, evaluation processes, contractual requirements, and post-delegation activities. Those non-standard types of gTLDs

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<sup>88</sup> SubPro PDP identified only three categories of gTLDs that have non-standard application types. In addition, SubPro PDP identified the TLDs subject to Category 1 Safeguards as a non-standard string type, as such strings must adopt relevant Category 1 Safeguards as contractually binding requirements in Specification 11 (mandatory Public Interest Commitments) of the Registry Agreement. See Recommendation 4.1 in SubPro PDP Final Report, pp.24-27: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=24>

are Community-based TLDs, Brand TLDs, Geographic Name TLDs, and TLDs subject to Category 1 Safeguards, which have been reaffirmed by the SubPro PDP. The EPDP Team agreed that restrictions applied to the primary gTLD will also apply to any applied-for allocatable variant labels upon execution of the corresponding Registry Agreement. In other words, if an applied-for primary gTLD string is a Brand TLD, any allocatable variant labels sought by the applicant will also be treated as a Brand TLD and be bound by the same restrictions, which will become contractual requirements upon execution of the corresponding Registry Agreement. The EPDP Team further agreed that the same recommendation extends to any applied-for allocatable variant label(s) sought by an existing registry operator.

### B5 Public Comment Review:

**Wording Change:** Final Recommendation 7.14 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendations 1.1-2.1:

- Use “existing” when referring to all of the gTLDs that have been delegated in the root zone.
- Refrain from mentioning “2012 round” in the recommendation language when referring to the existing gTLDs, as this may be perceived as limiting and can potentially cause misinterpretation.
- Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.

**Final Recommendation 7.14:** As a result of Public Comment review, this recommendation was amended to refer to a new Specification being added to an existing Registry Agreement to accommodate the newly approved variant label(s) of an existing gTLD.

## 8 Delegation and Removal

### A5 Charter Question:

*SAC060 notes that variant code points in LGR may introduce a “permutation issue”, possibly creating a large number of variant domain names, which “presents challenges for the management of variant domains at the registry, the registrar and registrant levels.”<sup>89</sup> SAC060 advises that “ICANN should ensure that the number of strings that are activated is as small as possible.” The TSG agreed with this SSAC advice.<sup>90</sup> Appendix C of the Staff Paper reviewed the factors causing numerous variant labels and suggested measures to address this issue.<sup>91</sup>*

*Should there be a ceiling value or other mechanism to ensure that the number of delegated top-level variant labels remains small, understanding that variant labels in the second level may compound the situation? Should additional security and stability guidelines be developed to make variant domains manageable at the registry, registrar, and registrant levels?<sup>92</sup>*

### A5 Final Recommendations:

**Final Recommendation 8.1:** No ceiling value for delegated top-level variant labels from a variant label set is necessary as existing measures in the RZ-LGR to reduce the number of allocatable top-level variant labels, as well as economic, operational, and other factors that may impact the decision to apply for variant labels, will keep the number of delegated top-level variant labels conservative.

**Final Recommendation 8.2:** In order to encourage a positive and predictable registrant experience, ICANN org must, during implementation, create a framework for developing non-binding guidelines for the management of gTLDs and their variant labels at the top-level by registries and registrars.

**Implementation Guidance 8.3:** The framework should outline the scope and the steps involved in developing future non-binding guidelines, which at a minimum should involve relevant stakeholders, such as registries, registrars, and where feasible, registrants who have experience with IDNs and variant labels.

<sup>89</sup> See Recommendation 14, SAC060, p. 20: <https://www.icann.org/en/system/files/files/sac-060-en.pdf#page=20>

<sup>90</sup> See Recommendation 6 in the TSG report, p.7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=7>

<sup>91</sup> See Appendix C of the IDN Variant TLD Implementation: Appendices, pp. 12-29: <https://www.icann.org/en/system/files/files/idn-variant-tld-appendices-25jan19-en.pdf#page=12>

<sup>92</sup> One of the security and stability concerns is that some scripts can generate large numbers of variant labels based on the way the LGR works. The RZ-LGR Procedure manages such numbers by minimizing allocatable variant labels and maximizing blocked variant labels. However, though this approach is optimal in most cases, the outcome may be worse for a specific label in some cases.

## A5 Rationale for Final Recommendations:

**Rationale for Final Recommendation 8.1:** The EPDP Team had considerable discussion on this topic. This included engagement with members of the SSAC to better understand SSAC advice (SAC060) relevant to this topic, as well as consideration of an analysis prepared by ICANN Org of the treatment of variant labels in the RZ-LGR. This recommendation was subsequently developed based on the following understanding:

- Of the 26 scripts already integrated in the RZ-LGR version 5, four scripts have no variant labels and 15 scripts have no allocatable variant labels. Only seven scripts have allocatable variant labels, namely: Arabic, Bengali, Chinese, Greek, Latin, Myanmar, and Tamil. Except for Arabic, the language communities of the other six scripts have already limited the number of allocatable variant labels (i.e., one to four variant labels of the primary label are allocatable).<sup>93</sup>
- Notwithstanding the prevailing measures contained in the RZ-LGR, existing registries and future gTLD applicants should not have arbitrary limits placed on the number of gTLD variant labels for which they wish to apply. The EPDP Team considered that there will be a number of factors that the existing registries and future applicants will take into consideration that will likely result in a conservative approach to applying for variant labels, such as cost, operational competence, and potential challenges associated with managing a gTLD and its variant labels at the registry, registrar and registrant levels.
- SAC060 recommends applying a conservative approach in order to avoid the potential permutation issues of variant labels both at the top-level and with combinations of the top-level and the second-level. However, SSAC members confirmed, during an engagement session with the EPDP Team, that the sheer volume of variant labels does not necessarily create security or stability risks, as a gTLD and its variant labels appear as separate gTLDs in the root zone. The concern expressed by the SSAC members was associated with the lack of a DNS protocol solution that enforces equivalence of variant labels and the challenges of creating a consistent experience for the end user of the gTLD and its variant labels.<sup>94</sup>

**Rationale for Final Recommendation 8.2 and Implementation Guidance 8.3:** The EPDP Team agreed that it would be valuable to develop non-binding guidelines for the management of gTLDs and their variant labels at the top-level by registries and registrars. This is to address any unintended consequences of Final Recommendation 8.1, as well as to address the concern raised by SSAC members that the lack of a common approach by registries and registrars in

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<sup>93</sup> ICANN org staff checked all scripts in the RZ-LGR version 5, which was the version available when the EPDP Team deliberated on Recommendation 1.4, and those incorporated in the next version (i.e., RZ-LGR version 5) to see if there are mechanisms in place to reduce the number of allocatable variant labels. For the scripts with allocatable variant labels, ICANN org staff ran all existing gTLDs in those scripts through the RZ-LGR to see how many variant labels are created. The findings were presented during the EPDP Team meeting on 20 January 2022. See slides here: <https://community.icann.org/download/attachments/183992731/EPDP%20on%20IDNs%20-%20A5%20-%2020%20Jan%202022.pdf?version=1&modificationDate=1642693642936&api=v2>

<sup>94</sup> On 13 January 2022, the IDNs EPDP Team engaged with SSAC members to discuss their early input to the IDNs EPDP as well as specific questions related to the charter questions. See details here: <https://community.icann.org/x/iYH3Cg>. See SAC060 here: <https://www.icann.org/en/system/files/files/sac-060-en.pdf>

managing gTLDs and their variant labels may result in a less than optimal experience for registrants.

The EPDP Team agreed that ICANN org must create the framework for developing the guidelines during implementation, and the framework be subject to public comment as part of the policy implementation process. The main purpose of the framework is to clarify the scope and outline the steps involved in developing the guidelines for the operation of gTLDs and their variant labels by registries and registrars. The EPDP Team acknowledged that because gTLD variant labels are currently not allowed, it will be hard to fully understand the user experience until they are delegated. As such, actual guidelines are expected to be developed after a number of gTLD variant labels have been delegated. Consequently, the framework could also include provisions for potential research or case studies of user experiences related to gTLD variant labels. The EPDP Team also agreed that the future guidelines should be developed with the help of relevant stakeholders, such as registries, registrars, and where feasible, registrants that have experience in IDNs and variant labels. The EPDP Team agreed that ICANN org will be responsible for deciding how to disseminate the non-binding guidelines in the future.

#### A5 Public Comment Review:

**Final Recommendation 8.1:** The EPDP Team noted that this recommendation, as well as the closely related Final Recommendations 3.11-3.12 received strong support from many commenters. The EPDP Team had extensive discussion about the concerns raised by some commenters regarding this recommendation, in conjunction with Final Recommendations 3.11-3.12. They understood that those commenters were concerned about what they perceived to be a less than conservative approach of not setting a ceiling for the number of allocatable variant labels that can be delegated for any one primary gTLD string, as well as charging the base application fee for an application that includes up to four (4) allocatable variant labels plus the primary gTLD string from a variant label set. Notwithstanding, there was overwhelming support from the EPDP Team for not setting an arbitrary ceiling and not changing the threshold number. The Team believes that the more arbitrary constraints are placed on gTLD variant label applications, the more difficult it would be for encouraging the introduction of gTLD variant labels and promoting IDN registrations that help build a multilingual Internet. The EPDP Team agreed to enhance Final Recommendation 3.5 and Implementation Guidance 3.6 and 3.9 regarding the evaluation of gTLD variant label applications in order to align with the conservatism principle.

**Final Recommendation 8.2 and Implementation Guidance 8.3:** The EPDP Team agreed with a suggestion raised in Public Comment to add “non-binding” before guidelines to confirm its nature. In response to questions raised in Public Comment, the EPDP Team clarified that it is ICANN org’s responsibility for creating the framework for developing such guidelines, and it is at ICANN org’s discretion how to disseminate the guidelines in the future. In addition, the EPDP Team confirmed that the proposed framework is subject to public comment as part of the policy implementation process.

## B4 Charter Question:

*The policy recommendation advises that variant TLD labels be allocated to the same entity, however a process to apply for a variant TLD does not exist. The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: what should an application process look like in terms of timing and sequence for an existing and future Registry Operator with respect to applying or activating their allocatable variant TLD labels?*

## B4 Final Recommendations:

**Final Recommendation 8.4:** Applicants for a primary gTLD string and its applied-for allocatable variant label(s) that pass evaluation must be subject to the terms and conditions, as recommended by the SubPro PDP, in respect of the timeframe for delegation, including the ability to apply for an extension of time for delegation.

**Final Recommendation 8.5:** The sequence for delegating the applied-for primary gTLD string and the applied-for allocatable variant label(s) that pass evaluation should be determined by the registry operator.

## B4 Rationale for Final Recommendations:

**Rationale for Final Recommendations 8.4-8.5:** SubPro PDP supports maintaining the gTLD delegation timeframe set forth in the 2012 Applicant Guidebook and Base Registry Agreement; namely that registry operators must complete all testing procedures for delegating the gTLD into the root zone within twelve (12) months of the Effective Date of the Registry Agreement. In addition, SubPro PDP affirmed that registry operators may request an extension of up to twelve (12) additional months for delegation.<sup>95</sup>

The EPDP Team agreed with the SubPro PDP recommendations which require each applied-for primary gTLD string and its applied-for allocatable variant label(s) that pass evaluation be delegated within the said twelve (12) month timeframe, subject to the possibility of an extension of up to twelve (12) additional months. This is on the understanding that the delegation of each applied-for primary gTLD string and its applied-for allocatable variant label(s) will be delegated at or about the same time to ensure the best user experience. Per [Final Recommendation 7.1](#), wherein a primary gTLD and its applied-for allocatable variant label(s) that pass evaluation will be subject to one Registry Agreement, the EPDP Team agreed that all these labels must abide by the same timeframe requirements for delegation. To do otherwise could deviate from the SubPro PDP recommendations and create excessive complexity.

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<sup>95</sup> See Affirmation 40.1 and Affirmation 40.2 in the SubPro PDP Final Report, p.191: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=191>

The EPDP Team had extensive discussions about the order in which the primary gTLD string and its applied-for allocatable variant label(s) that pass evaluation should be delegated. In the absence of security or stability issues, and considering the fact that all these labels are regarded as individual gTLDs in the root zone, the EPDP Team agreed that this issue does not need to be mandated by policy and should be at the discretion of registry operators according to their respective business interests and needs as stated in their applications. However, all labels must be delegated within the required timeframe or any extended timeframe granted by ICANN org to the registry operator.<sup>96</sup>

#### B4 Public Comment Review:

**Wording Change:** Final Recommendations 8.4-8.5 incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section for Final Recommendation 2.1: Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.

**Final Recommendation 8.5:** The EPDP Team considered a suggestion raised in Public Comment and agreed to use “should” in the recommendation language, to align with the terminology usage as described in RFC 2119.

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#### A6 Charter Question:

*Since RZ-LGR can be updated over time, the WG needs to consider the implications for existing TLD labels and their variant labels (if any), including any potential changing of status or disposition value.<sup>97</sup>*

*The TSG further recommends that the Generation Panel (GP) must call out the exception where an existing TLD is not validated by their proposed solution during the public comment period and explain the analysis and reasons for not supporting the existing TLD in their script LGR proposal.<sup>98</sup> This will allow the community and the GP to review such a case to confirm that an exception is indeed warranted.*

*Does the WG agree with TSG’s suggested approach? If so, to what extent should the TLD policies and procedures be updated to allow an existing TLD and its variants (if any), which are not*

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<sup>96</sup> During the EPDP Team meeting #58 on 17 November 22, the team discussed an example where a variant label may be delegated before the primary IDN gTLD. The label “.straße” is applied for as the primary IDN gTLD and its allocatable variant label “.strasse” is also applied for; both labels pass evaluation. The EPDP Team noted that if “.strasse” is applied for as the primary gTLD string, “.straße” cannot be applied for as it will be a blocked variant label due to the RZ-LGR calculation; such asymmetric relationship between variant labels exist in several scripts, such as Arabic, Greek, Latin, and Myanmar. The registry operator decides to delegate “.strasse” first as it is an ASCII label that can readily cater to the international market, and wait to delegate “.straße” as it is an IDN string. For more details, check the notes and recordings here: <https://community.icann.org/x/NYYFDQ>

<sup>97</sup> See Recommendation 7 in the TSG report, p.8: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=8>

<sup>98</sup> See Recommendation 12 in the TSG report, p.9: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=9>



*validated by a script LGR, to be grandfathered? If not, what is the recommended approach to address changes to the current version of the RZ-LGR that assign different disposition values to existing TLDs? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.*

## A6 Final Recommendations:

**Final Recommendation 8.6:** Any delegated gTLDs and their delegated and allocated variant labels (if any) not validated by a proposed RZ-LGR update must be grandfathered. In other words, the proposed update will apply to future new gTLDs and their variant labels and will not be retroactive; there will be no change to the contractual and delegation state of the delegated gTLDs and their delegated and allocated variant labels (if any), which predate the proposed RZ-LGR update and are subject to the version of RZ-LGR when those gTLDs and variant labels were initially applied for upon the finalization of the application process.

**Final Recommendation 8.7:** For all future versions of the RZ-LGR, Generation Panels (GPs) and the Integration Panel (IP) should follow the stability principle in the LGR Procedure and make best efforts to retain full backward compatibility with delegated gTLDs and their delegated and allocated variant labels (if any).<sup>99</sup> 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 RZ-LGR not being able to retain full backward compatibility.

**Final Recommendation 8.8:** In the unexpected event where a proposed update to the RZ-LGR is unable to retain full backward compatibility for validating any delegated gTLDs as well as their delegated and allocated variant labels (if any), the relevant GP must call out the exception during a Public Comment period and explain the reasons for such exception. The Public Comment period should also include the elements in the following Implementation Guidance.

**Implementation Guidance 8.9:** The GP explanation should identify security and stability risks (if any), as well as possible actions to mitigate the risks associated with allowing a delegated gTLD and its delegated and allocated variant labels (if any) to be grandfathered. There should also be an assessment, conducted by ICANN org, of the potential impact of

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<sup>99</sup> RZ-LGR relies on the Stability principle (pg. 12) of the LGR Procedure: “Once a code point is permitted, it is almost impossible to stop permitting it: the act of permitting a code point cannot be undone. This is particularly true once a label containing this code point has been registered.” <https://www.icann.org/en/system/files/files/lgr-procedure-20mar13-en.pdf> This is repertoire stability policy concerning the RZ-LGR. This does not guarantee 100% stability, to allow fixes in case of errors for example. Any change proposed by the Generation Panel must be reviewed and approved by the Integration Panel, which holds a conservative approach and only approves changes if they pass an extremely high bar.

grandfathering on registries, registrars, registrants, and end-users, as well as proposed measures to reduce the negative impact. As part of the assessment, ICANN org should facilitate a timely dialogue between the registry operator of the grandfathered gTLD, relevant function(s) in ICANN org, the GP, other experts and affected parties.

Notwithstanding the recommendation to grandfather affected gTLDs, in the event security and stability risks are identified, ICANN org and the affected registry operator should discuss possible measures to minimize the risks that would result in minimal disruption to registries, registrars, registrants, and end-users.

## A6 Rationale for Final Recommendations:

**Rationale for Final Recommendations 8.6-8.8:** The EPDP Team developed these recommendations based on the understanding that the goal of all future updates of the RZ-LGR is to retain full backward compatibility with delegated gTLDs and their delegated and allocated variant labels (if any) to maintain the stability in the root zone. While the possibility does exist that future RZ-LGR updates may be unable to achieve full backward compatibility, the actual probability of this occurring is considered extremely low, as there are stability principles and safeguards built into the LGR Procedure.<sup>100</sup> Nevertheless, the EPDP Team seeks affirmation from the Generation Panels (GPs) and Integration Panel (IP) that they must make best efforts to retain full backward compatibility for all future versions of the RZ-LGR.

The EPDP Team understood that ICANN org cannot force GPs and IP to comply with PDP recommendations as they operate based on their existing process and procedures, including coordination with local communities and inclusion of additional experts to their panels, as

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<sup>100</sup> There are stability clauses or mechanisms in the RZ-LGR, IDNA2008, and the Unicode base layer to ensure that existing gTLDs will be allowed to remain despite future changes.

- Unicode has a comprehensive set of stability policies: <https://www.unicode.org/versions/Unicode14.0.0/ch03.pdf> and <https://www.unicode.org/policies>. The key stability policies are that characters do not get moved/removed, and the stability of the Normalization Forms.
- IDNA 2008 relies on its use of Unicode stable function like normalization to assure stability and use the General Category property (GC) to ensure its own stability. RFC 5892 contains stability considerations in its introduction: <https://datatracker.ietf.org/doc/html/rfc5892>. Because GC is not part of the immutable set in Unicode, there is a mechanism in IDNA 2008 to allow backward compatibility to maintain stability: “Changes in Unicode properties that do not affect the outcome of this process do not affect IDN. For example, a character can have its Unicode General\_Category value (see Unicode52: <https://datatracker.ietf.org/doc/html/rfc5892#ref-Unicode52>) change from So to Sm or from Lo to Ll, without affecting the algorithm results. Moreover, even if such changes were the result, the BackwardCompatible list (Section 2.7: <https://datatracker.ietf.org/doc/html/rfc5892#section-2.7>) can be adjusted to ensure the stability of the results.”
- RZ-LGR relies on the Stability principle (pg. 12) of the LGR Procedure: “Once a code point is permitted, it is almost impossible to stop permitting it: the act of permitting a code point cannot be undone. This is particularly true once a label containing this code point has been registered.” <https://www.icann.org/en/system/files/files/lgr-procedure-20mar13-en.pdf> This is repertoire stability policy concerning the RZ-LGR. This does not guarantee 100% stability, to allow fixes in case of errors for example. Any change proposed by the Generation Panel must be reviewed and approved by the Integration Panel, which holds a conservative approach and only approves changes if they pass an extremely high bar.

needed. Therefore, EPDP Team requests ICANN org to share this set of recommendations, including Implementation Guidance 8.9, with GPs and IP for their consideration.

The EPDP Team recognized that there may still be unexpected circumstances that render a delegated gTLD and its delegated and allocated variant labels (if any) invalid by a proposed RZ-LGR update, making the full backward compatibility unretainable.<sup>101</sup>

Given the potentially serious consequences for and negative impact on gTLD registry operators, registrars, registrants, and end-users of such an eventuality, the EPDP Team believes that there should be predictability associated with the circumstances that could eventuate in an RZ-LGR update not being able to retain full backward compatibility. For example, changes to the IDNA2008 or Unicode, which are outside the control of the LGR process, could be legitimate reasons for an RZ-LGR update being unable to retain backward compatibility.

To that end, the EPDP Team recommends that the LGR Procedure be updated to explicitly enumerate such exceptional circumstances to the extent known to the GPs and IP, while acknowledging that it may not be possible to identify all potential circumstances that could render full backward compatibility unretainable.

In those unexpected cases, the EPDP Team agreed that the affected delegated gTLDs and their delegated and allocated variant labels (if any) will be grandfathered. This is foreseen in the LGR Procedure, which states that “While existing labels will almost certainly have to be grandfathered if they are in conflict with the label generation rules established by this procedure, that precedent and conflict is not a reason to invalidate any aspect of the new rules or this procedure.”<sup>102</sup>

The EPDP Team specified that grandfathered in this instance means that the proposed RZ-LGR update will apply to future new gTLDs and their variant labels and will not be retroactive. The registry operator will be able to continue to operate the affected gTLD and its delegated and allocated variant labels (if any). However, the registry operator will not be allowed to apply for any additional variant labels unless they are deemed valid and allocatable according to the updated version of the RZ-LGR. There will be no change to the contractual and delegation state of the delegated gTLDs and their delegated and allocated variant labels (if any), which predate the proposed RZ-LGR update and are subject to the version of RZ-LGR when those gTLDs and variant labels were initially applied-for upon the finalization of the New gTLD Program application process. This definition seeks to provide safeguards for the affected Internet stakeholders, such as registries, registrars, registrants, resellers, and end users.

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<sup>101</sup> One possibility may be that a code point was mistakenly permitted in a prior version of the RZ-LGR and a corresponding TLD has been delegated in the root zone. The proposed RZ-LGR update is to remove that code point in order to fix the error, hence affecting the existing TLD.

<sup>102</sup> See Section A.3.5 of the Root Zone IDNA Label LGR Development and Maintenance, p.10: <https://www.icann.org/en/system/files/files/draft-lgr-procedure-20mar13-en.pdf#page=10>

The EPDP Team further agreed that the GP proposing such an update must call out the exception during a Public Comment period and explain the analysis and reasons for not supporting such gTLDs and their delegated and allocated variant labels (if any) in their script proposal.

**Rationale for Implementation Guidance 8.9:** As grandfathering will allow the gTLD to continue operating despite its incompatibility with the RZ-LGR, the EPDP Team recommends that the GP include, in the Public Comment, an opinion on any identified security and stability risks associated with not achieving full backward compatibility, as well as possible actions to mitigate the risks to the extent feasible.

To ensure balanced representation of the issues, the EPDP Team recommends that in the relevant Public Comment, there should also be an assessment, conducted by ICANN org, of the potential impact of grandfathering on the gTLD registry operator as well as the user experience of other affected Internet stakeholders. Such assessment should also include proposed measures to reduce the negative impact of grandfathering. In the event security and stability risks are identified, the assessment should include possible measures to minimize the risks that would result in minimal disruption to registries, registrars, registrants, and end users.

With the understanding that the requested analysis and assessment may be beyond the scope of work done by the GP and IP and additional experts may need to be consulted, the EPDP Team believes that ICANN org is in the best position to facilitate a dialogue between the affected gTLD registry operator, relevant function(s) in ICANN org, the GP, other experts and affected parties. In particular, ICANN org appears to be appropriately positioned to facilitate such an assessment of the potential impact of grandfathering, which should be included in the Public Comment. To the extent any proposed measures would require contractual amendments, they would need to be managed under the existing provisions of the relevant Registry Agreement.

The EPDP Team affirmed that the public should have an opportunity to comment on all these elements in the Public Comment period. The Integration Panel is urged to take such comments into account when reviewing and considering the proposal for integration into the next version of the RZ-LGR.

#### **A6 Public Comment Review:**

**Final Recommendations 8.6-8.8 and Implementation Guidance 8.9:** Based on an input received from Public Comment, the EPDP Team agreed to append a disclaimer in the rationale, recognizing that GPs and IP are not bound by ICANN consensus policies. Nevertheless, the EPDP Team requests ICANN org to share these recommendations for their consideration when updating the RZ-LGR. In Final Recommendation 8.6, the EPDP Team also emphasized that there is an existing stability principle in the LGR Procedure that GPs and IP must follow.

## D8 Charter Question:

*What additional updates to the Registry Agreement are necessary to ensure the labels under variant TLDs follow the “same entity” rule? For example, the Staff Paper recommends that the following requirements must be included in the Registry Agreement; some of the charter questions are also related to those topics:<sup>103</sup>*

- *Subordinate names allocated by the Registry Operator in the TLD be treated as an atomic set. This is true irrespective of whether any of the names is actually activated in the DNS, and whether any of the variants is actually registered. [related to questions C1, D4, D5]*
- *All the different IDN tables being used by the IDN gTLD and its variant gTLDs be harmonized. [related to questions C4, C5]*
- *All the IDN variant TLDs be implemented through the same registry service provider, to promote a consistent and stable implementation across all such variant TLDs. [related to questions B2, B4]*

*Are there any additional updates that need to be considered that are not included in this list?*

## D8 Final Recommendations:

**Final Recommendation 8.10:** A primary gTLD that is removed from the root zone, either voluntarily or involuntarily, must also require the removal of its delegated variant label(s) from the root zone.

**Final Recommendation 8.11:** A delegated variant label that is voluntarily removed from the root zone will not require the removal of the associated primary gTLD or its other delegated variant label(s).

**Implementation Guidance 8.12:** In the event that domain name registrations exist at the second-level under a delegated variant label, its registry operator’s request for its removal from the root zone should include a transition plan, to be submitted to ICANN org for review, for the existing registrations under that variant label.

**Final Recommendation 8.13:** In the event that a gTLD is removed from the root zone as a consequence of its registry operator’s breach of the Registry Agreement, the rest of its variant label set, if any, must also be removed from the root zone.

<sup>103</sup> Section 3.6 in the Staff Paper, p.16: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=16>:

## D8 Rationale for Final Recommendations:

**Rationale for Final Recommendations 8.10-8.11, 8.13 and Implementation Guidance 8.12:** The EPDP Team recognized that under various circumstances, a delegated primary gTLD or its delegated variant label may be removed from the root zone. From a purely technical perspective, each gTLD is an independent top-level label and there may not be an issue with removing one while retaining another. However, from a policy perspective, the EPDP Team believes that the principle of the “integrity of the set” must be preserved, and the primary gTLD is crucial to bring the variant label set into existence.<sup>104</sup> The primary gTLD’s crucial role is consistently reflected in the EPDP Team’s deliberations on [Final Recommendation 3.1](#), stating that an application for an allocatable variant label cannot precede an application for that variant label’s primary gTLD string.

Therefore, the EPDP Team agreed that in the event a primary gTLD is removed from the root zone, any delegated variant label from its variant label set must be removed as well. However, any delegated variant label can be voluntarily removed from the root zone without affecting its delegated primary gTLD and any other delegated variant label(s) from that variant label set. The “integrity of the set” is not broken so long as the primary gTLD still remains delegated.

As such, the EPDP Team further agreed that voluntary removal of a variant label from the root zone is allowed, provided that the registry operator justifies the decision and submits a transition plan, for ICANN org’s review, for existing registrations under the variant label that it intends to remove. Considering the potential complexities introduced by removing a gTLD variant label that has third-party registrations as well as other delegated gTLDs from the same variant label set, requiring ICANN org’s review of the transition plan should help promote robust safeguards for registrants to ensure consumer trust in the Internet. In the event that the registry operator wishes to re-delegate a previously removed gTLD variant label, a new application for that variant label will be required.

In the event a label, whether a primary gTLD or a gTLD variant label, is removed from the root zone as a consequence of its registry operator’s breach of the Registry Agreement, the rest of the variant label set must also be removed from the root zone. The EPDP Team noted that the breach of the Registry Agreement does not always result in the removal of a delegated gTLD from the root zone. In the event of a breach, ICANN org would evaluate the consequences of a potential removal and take appropriate action. For example, it could also mean that the emergency transition of the gTLD to an Emergency Back-end Registry Operator (EBERO) provider is triggered. See [Final Recommendation 7.10](#) for EPDP Team’s recommendation on variant label management in the EBERO process.

## D8 Public Comment Review:

**Wording Change:** [Final Recommendations 8.10-8.11 and 8.13](#) incorporated the suggested wording change raised in Public Comment, as explained in the Public Comment Review section

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<sup>104</sup> See more detailed explanation of “Integrity of the Set” in Section 3: Glossary of this Final Report.

for Final Recommendation 2.1: Remove the mention of “IDN” in order to future-proof potential updates to the RZ-LGR, in the event that allocatable variant labels are created from ASCII code points.

**Implementation Guidance 8.12:** The EPDP Team considered a concern raised in Public Comment and agreed to develop this implementation guidance to clarify the expectation that a transition plan is required and should be reviewed by ICANN org, in the event that domain name registrations exist under a gTLD variant label which its registry operator intends to remove. In addressing a question raised in Public Comment regarding any opportunity for the re-delegation of a previously removed gTLD variant label, the EPDP Team agreed that a registry operator who wishes to re-delegate its previously removed gTLD variant label may submit a new application for that variant label and therefore did not believe it was necessary to propose any further guidance on the said question of re-delegation.

**Final Recommendation 8.13:** The EPDP Team accepted minor wording revisions proposed by a commenter to enhance clarity, as well as added more detail in the rationale to emphasize that a breach of contract does not necessarily lead to the removal of a gTLD from the root zone.

## 9 Variant Label States

### A9 Charter Question:

*A given label in an Internationalized Domain Label (IDL) set may be in one of the following non-exhaustive status: delegated, withheld-same-entity, blocked, allocated, rejected. The WG and the SubPro IRT to coordinate and develop a consistent definition of variant label status in the IDL set.*

### A9 Final Recommendations:

**Final Recommendation 9.1:** A given variant label must have one of the following label states at any one time: delegated, allocated, withheld-same-entity, blocked, or rejected.<sup>105</sup> If the same terminology is used for certain label states and new gTLD application states, their respective definitions must be consistent.

**Implementation Guidance 9.2:** The label state for each variant label of an already delegated primary gTLD should be recorded and tracked by ICANN org so long as the primary gTLD remains delegated. Such records, including historical ones, should be maintained in a practical manner and made publicly accessible.

### A9 Rationale for Final Recommendations:

**Rationale for Final Recommendation 9.1:** The EPDP Team had considerable discussion of this charter question but agreed to accept the label states proposed in the Staff Paper as a recommendation.<sup>106</sup> The EPDP Team learned that the label states are expected to be used for tracking the states of variant labels and be applied to the different stages in the New gTLD Program, as well as other processes (e.g., IDN ccTLD processes). The EPDP Team also agreed that label states and their definition should remain TLD-neutral, so that they can be applied consistently across gTLDs and ccTLDs to the extent possible.

During its deliberation, the EPDP Team learned that the label state “Delegated” overlaps with the application state “Delegated” in the New gTLD Program; the label state “Rejected” encompasses both the application states “Not Approved” and “Will Not Proceed”.<sup>107</sup> The Staff Paper does not provide an explicit definition of the label states but references the definitions in the Integrated Issues Report of 2012.<sup>108</sup> Additional explanations of the meanings of the label

<sup>105</sup> See more detailed explanation of these label states in Section 3: Glossary of this Final Report.

<sup>106</sup> See Section 3.4 of the Staff Paper, p.12: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=12>

<sup>107</sup> See more information about the New gTLD Application states here: <https://newgtlds.icann.org/en/applicants/advisories/application-contention-set-14mar14-en>

<sup>108</sup> See Appendix A of the Staff Paper, p.4: <https://www.icann.org/en/system/files/files/idn-variant-tld-appendices-25jan19-en.pdf#page=4>. Integrated Issues Report: <https://www.icann.org/en/system/files/files/idn-vip-integrated-issues-final-clean-20feb12-en.pdf>



states are provided in “Section 3: Glossary” of this Final Report. The EPDP Team recommends that if the same terminology is used for certain label states and new gTLD application states, their respective definitions must remain consistent to ensure they mean exactly the same thing.

**Rationale for Implementation Guidance 9.2:** The EPDP Team agreed that the label state for each variant label of an already delegated primary gTLD should be recorded by ICANN org in a practical manner and made publicly accessible. This will help raise awareness about the state of the variant labels associated with such primary gTLDs. This will also help inform potential applicants so they could avoid applying for strings that are variant labels of already allocated or delegated gTLDs. On this basis, the EPDP Team agreed that as long as the primary gTLD remains delegated, ICANN org should maintain the label states of the primary gTLD and its variant labels. In the event that label state transitions occur, ICANN org should also keep a history of changes for the variant label state. See [Final Recommendation 9.3](#) for details regarding the label state transition.

#### A9 Public Comment Review:

**Final Recommendation 9.1 and Implementation Guidance 9.2:** Several commenters supported these recommendations as written.

#### A10 Charter Question:

*Individual labels in an Internationalized Domain Label (IDL) set may go through the following possible status transformations:*

- **from “withheld-same-entity” to “allocated”:** Allocation only to the same entity as another label in the IDL set. This change happens if a variant was not initially requested for allocation and later is. Allocating withheld labels would be the application process for a variant TLD.
- **from “blocked” to “withheld-same-entity”:** A later LGR may broaden the available labels in the IDL set. Such possible labels automatically become withheld-same-entity.
- **from “allocated” to “delegated”:** Happens when name servers are added. (Not new.)
- **from “delegated” to “allocated”:** If a domain is removed from the DNS, the allocation can remain in place anyway. Rare in the root zone, but not new.
- **from “rejected” to “withheld-same-entity”:** Every Rejected label is automatically Withheld-same-entity as well. If the Rejected status comes off, the label can be handled as any other Withheld-same-entity label.

*Note that an allocated or withheld-same-entity label cannot become blocked unless a new version of the LGR makes this possible. The WG and the SubPro IRT to coordinate and consider*

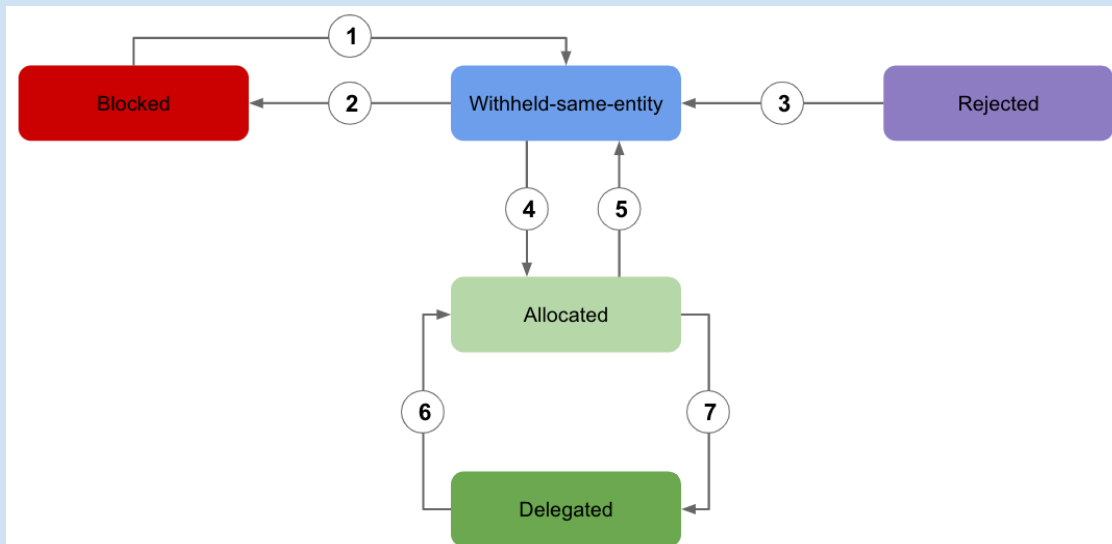
the following questions in order to develop a consistent solution: what is the procedure to change the label status for individual variant labels?

## A10 Final Recommendations:

**Final Recommendation 9.3:** A variant label may go through the following transitions:

1. from “blocked” to “withheld-same-entity”;
2. from “withheld-same-entity” to “blocked”;
3. from “rejected” to “withheld-same-entity”.
4. from “withheld-same-entity” to “allocated”;
5. from “allocated” to “withheld-same-entity”;
6. from “allocated” to “delegated”;
7. from “delegated” to “allocated”

See below a visualization of the label state transitions.



**Implementation Guidance 9.4:** A variant label state transition may occur in scenarios including but not limited to the following:

1. **from “blocked” to “withheld-same-entity”:** This transition happens when a later version of the RZ-LGR increases the allocatable labels from a variant label set, making a previously blocked label into an allocatable one; when it happens, such a variant label automatically becomes withheld-same-entity.
2. **from “withheld-same-entity” to “blocked”:** This transition happens when a later version of the RZ-LGR reduces the allocatable labels from a variant label set, which is an unlikely but possible scenario; such a

variant label which is no longer able to be allocated or delegated to the root zone becomes blocked.

3. **from “rejected” to “withheld-same-entity”**: This transition happens when the condition which led to the rejection of a label no longer applies; such a variant label can be treated as any other withheld-same-entity label.
4. **from “withheld-same-entity” to “allocated”**: This transition happens if a variant label was not initially applied for but later is; allocating a withheld variant label would require the application process for such a label.
5. **from “allocated” to “withheld-same-entity”**: This transition happens when a gTLD variant label completes the termination process, and the allocation in the root zone no longer remains in place.
6. **from “allocated” to “delegated”**: This transition happens when the allocated label has been placed as a gTLD in the root zone of the Domain Name System (DNS), which then facilitates the registry operator’s ability to commence the process of bringing the registry service into production.
7. **from “delegated” to “allocated”**: This transition happens when a gTLD is removed from the DNS; its allocation can still remain in place.

## A10 Rationale for Final Recommendations:

**Rationale for Final Recommendation 9.3 and Implementation Guidance 9.4:** Following considerable discussion of charter question A9, which is closely related to this charter question, the EPDP Team agreed to accept the five label state transitions proposed in the Staff Paper (the transition numbers correspond to the numbers in the graphic under [Final Recommendation 9.3](#); the respective explanations of the label state transitions, as understood by the EPDP Team, are included in [Implementation Guidance 9.4](#)):<sup>109</sup>

1. from “blocked” to “withheld-same-entity”
3. from “rejected” to “withheld-same-entity”
4. from “withheld-same-entity” to “allocated”
6. from “allocated” to “delegated”
7. from “delegated” to “allocated”

Since the EPDP Team did not develop new label states in addition to what was already proposed in the Staff Paper (see [Final Recommendation 9.1](#)), it reached a logical conclusion to also accept the label state transitions identified in the Staff Paper.

The EPDP Team, however, disagreed with the explanatory remarks in the Staff Paper that the transition from “rejected” to “withheld-same-entity” is automatic. The EPDP Team noted that

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<sup>109</sup> See Section 3.4 of the Staff Paper, p.12: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=13>

similar to other transitions which happen on the basis of a trigger and are not automatic, the transition from “rejected” to “withheld-same-entity” only happens when the ground for rejection is removed.

In addition, the EPDP Team identified two additional label state transitions not proposed in the Staff Paper (see their respective explanations in Implementation Guidance 9.4):

2. from “withheld-same-entity” to “blocked”
5. from “allocated” to “withheld-same-entity”

#### A10 Public Comment Review:

**Final Recommendation 9.3**: Several commenters supported this recommendation as written.

**Implementation Guidance 9.4**: The EPDP Team accepted minor wording revisions proposed by a commenter to enhance clarity with regard to the transition from “rejected” to “withheld-same-entity”.

## 10 Charter Questions with No Recommendations

### A4 Charter Question:

*For future gTLD applications, the SubPro PDP proposes an implementation guidance that if a script is not yet integrated into the RZ-LGR, applicants should be able to apply for a string in that script, and it should be processed up to but not including contracting.<sup>110</sup> Applicants under such circumstances should be warned of the possibility that the applied-for string may never be delegated and they will be responsible for any additional evaluation costs. The burden in this case is on the applicant, who may have to wait for an indeterminate amount of time but is not aware of any other serious concerns. The SubPro PDP developed this implementation guidance by taking into consideration the TSG recommendation that the application should remain on-hold (or other appropriate status) until the relevant script is integrated into the RZ-LGR.<sup>111</sup>*

*The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: should the SubPro recommendation be extended to existing TLDs that apply for a variant TLD label whose script is not yet supported by the applicable version of the RZ-LGR? Consider this question in tandem with **B4** and by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter. If not, what should be the process for an existing TLD registry who wishes to apply for a variant TLD label whose script is not yet supported by the applicable version of the RZ-LGR?*

### A4 EPDP Team Response:

The EPDP Team agreed that this charter question is moot as all scripts of all existing delegated gTLDs from the 2012 round are already integrated into the RZ-LGR version 5, which was published on 26 May 2022.<sup>112</sup> Hence no recommendation or implementation guidance is needed.

### A2 Charter Question:

*Before the proposed RZ-LGR mechanism, applications for IDN gTLDs have asked the applicant to identify and list any variant labels (based on their own calculations) corresponding to the applied-for string. The self-identified “variant” labels do not have legal standing, as “[d]eclaring variant strings is informative only and will not imply any right or claim to the declared variant*

<sup>110</sup> See Implementation Guidance 25.3 in the SubPro PDP Final Report, p.115: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=115>

<sup>111</sup> It is important to recognize that the RZ-LGR can be updated to include additional scripts as long as it is done in compliance with the LGR Procedure. The practical limitation, however, is that the time to create an LGR script proposal varies greatly (i.e., months or years). See Recommendation 5 in the TSG report, p.7: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=7>; for additional context and rationale, see Appendix A of the Recommendations for Technical Utilization of RZ-LGR, pp.11-12: <https://www.icann.org/en/system/files/files/rz-lgr-technical-utilization-recs-07oct19-en.pdf#page=11>

<sup>112</sup> Learn more about the RZ-LGR version 5 here: <https://www.icann.org/en/announcements/details/icann-publishes-root-zone-label-generation-rules-version-5-rz-lgr-5-26-05-2022-en>

strings.”<sup>113</sup> The TSG recommends that the self-identified “variant” labels which are also variant labels calculated by RZ-LGR will need to be assigned a variant disposition based on RZ-LGR calculation, as discussed in **A1**.

*If some self-identified “variant” TLD labels by the former gTLD applicants are not found consistent with the calculation of the RZ-LGR, but have been used to certain extent (e.g., used to determine string contention sets), how should such labels be addressed in order to conform to the LGR Procedure and RZ-LGR calculations? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.*

### A2 EPDP Team Response:

The EPDP Team agreed that no recommendation or implementation guidance is needed for the self-identified gTLD “variant” labels in the 2012 round, as they do not have legal standing and are for information purposes only. It does not matter whether any of the self-identified “variant” labels were used for any purpose in the 2012 round (if at all).

### B3 Charter Question:

*Beyond having the same Registry Operator and same back-end registry service provider, as referenced in **B1** and **B2**, is there a need for additional constraints for the same entity requirement for the top-level?<sup>114</sup> If so, the rationale must be clearly stated.*

### B3 EPDP Team Response:

The EPDP Team agreed that there was no need for additional constraints for the “same entity” requirement for the top-level beyond the current EPDP-IDNs Phase 1 final recommendations and implementation guidance.

### E6 Charter Question:

*The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: is there any reason to permit the registration of gTLDs consisting of decorated two-character Latin labels which are not variant labels of any two-letter ASCII*

<sup>113</sup> For more details see gTLD Applicant Guidebook, version 2012-06-04, section 1.3.3 IDN Variant TLDs, p.1-35: <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>

<sup>114</sup> The initial set of TLD variant label management recommendations proposed for Public Comment also required that the TLD variant labels be implemented using the same nameservers, unless otherwise justified. However, that recommendation is now removed based on the feedback received by the community asking for more operational flexibility in the implementation of TLD variant labels.

labels?<sup>115</sup> If so, rationale must be clearly stated.

## E6 EPDP Team Response:

The EPDP Team noted that the standard used in the String Similarity Review from the 2012 round will continue in the future rounds, per SubPro Affirmation 24.2.<sup>116</sup> Specifically, an applied-for two-character gTLD string, regardless of script or language, will be reviewed for visual similarity to any two-character ASCII combination in order to protect possible future ccTLD delegations. As such, the EPDP Team noted that an applied-for gTLD string consisting of decorated two-character Latin labels will be evaluated for visual similarity to any two-character ASCII combination. A string that does not pass the evaluation will not be able to proceed in the application process.

EPDP Team agreed not to develop any additional recommendation on this topic but to rely on the existing process of using the String Similarity Review to catch any applied-for gTLD string in any script, not limited to the Latin script, that may be potentially confusable with a two-character ASCII combination. The EPDP Team noted that such confusability issues may also exist in other scripts, such as Cyrillic, Ethiopic, Gujarati, Hebrew, and Malayalam scripts.<sup>117</sup>

## B4a Charter Question:

*For the variant labels with status “withheld for the same entity” (i.e., not requested for allocation in the application process), what role do they play?*

## B4a EPDP Team Response:

The EPDP Team interpreted the question as follows: “What role do the non-applied-for allocatable variant labels play in the application process?” It is only when an applied-for primary gTLD string is allocated or delegated as a result of the application being approved that its non-applied-for allocatable variant label(s) become “withheld for the same entity”.

<sup>115</sup> The ccTLD labels in the root depend on an external registry (ISO 3166) that allocates alphabetic codes to countries. In order to ensure that no conflicts with future assignments by ISO can happen, ICANN has traditionally also maintained a restriction against the use of two-letter TLDs for all Latin script letters; no variant labels should be generated for ccTLDs based on the ISO3166 codes. This principle is also reaffirmed by the SubPro PDP. See Recommendation 21.6 in the SubPro Final Report, p.95: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=95>

<sup>116</sup> See Affirmation 24.2 in the SubPro PDP Final Report, p.108: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=108>

<sup>117</sup> The EPDP Team reviewed examples in those scripts during its meeting on 10 November 2022. See slides here: <https://community.icann.org/download/attachments/218465843/EPDP%20Team%20Meeting%20%2357%20Slides%20-%20E2%2C%20E6.pdf?version=1&modificationDate=1668108498000&api=v2>

The non-applied-for allocatable variant labels will be taken into account in at least three aspects of the evaluation process for new gTLD applications: 1) String Similarity Review, 2) String Confusion Objection, and 3) Contention Resolution. See details explained in [Final Recommendations 4.1-4.4, 5.2-5.3, 6.1-6.2](#).

## E1 Charter Question:

*In considering the conclusion(s) with respect to question **B4a**, what role, if any, do TLD labels “withheld for possible allocation” or “withheld for the same entity” play vis-a-vis:*

- *objection process; and*
- *string similarity review process?*

## E1 EPDP Team Response:

The EPDP Team interpreted the question as follows: “What role do the non-applied-for allocatable variant labels play in the application process?” It is only when an applied-for primary gTLD string is allocated or delegated as a result of the application being approved that its non-applied-for allocatable variant label(s) become “withheld for the same entity”.

The non-applied-for allocatable variant labels will be taken into account in at least three aspects of the evaluation process for new gTLD applications: 1) String Similarity Review, 2) String Confusion Objection, and 3) Contention Resolution. See details explained in [Final Recommendations 4.1-4.4, 5.2-5.3, 6.1-6.2](#).

## E7 Charter Question:

*Besides the objection process, string similarity review, and string contention resolution, what other ICANN policies and procedures should be updated to enforce the “same entity” rule and the use of RZ-LGR as the sole source to calculate the variant Labels and disposition values?<sup>118</sup> See the list of ICANN Consensus Policies here:*

<https://www.icann.org/resources/pages/registrars/consensus-policies-en>

## E7 EPDP Team Response:

An EPDP Team member suggested that the group consider whether additional recommendations are needed with respect to the treatment of singular/plural versions

<sup>118</sup> IDN Variant TLD Implementation Staff Paper: <https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jul18-en.pdf>



of an applied-for primary gTLD string and its variant label(s) in the String Similarity Review. The EPDP Team reviewed SubPro PDP Outputs regarding the singular/plural issues, specifically the SubPro PDP Recommendation 24.3, Implementation Guidance 24.4, and Recommendation 24.5.<sup>119</sup> While the EPDP Team reaffirmed the SubPro PDP Outputs, some members questioned why the Outputs are limited to singular/plural issues but not other morphological phenomena. Other members also raised questions on how the SubPro PDP Outputs would be put into practice. Nevertheless, the EPDP Team agreed that those issues are out of scope for the EPDP Team but would instead be addressed during the implementation of the SubPro PDP Outputs. The EPDP Team also agreed that no additional recommendations need to be developed to address the singular/plural issues to complement its recommendations for the String Similarity Review (see Final Recommendations 4.1-4.3).

#### A8 Charter Question:

*What additional aspects of gTLD policies and procedures, which are not considered in the above charter questions, need to be updated to ensure that the validation of existing TLD labels and calculation of variant labels depend exclusively on the RZ-LGR in a consistent manner?*

#### A8 EPDP Team Response:

An EPDP Team member suggested that the group consider what contextual information should be included in the registration data for variant labels of delegated primary gTLDs, both in the IANA WHOIS and Registry WHOIS. The EPDP Team plans to address this question in Phase 2 of its deliberation, specifically under charter question D8, as this issue is more related to second-level domain name registrations.

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<sup>119</sup> See details in the SubPro PDP Final Report, pp.108-111: <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=108>