Registries Stakeholder Group Statement

Phase 2 Initial Report of the EPDP on Internationalized Domain Names

Date statement submitted: 21 May 2024   *(copy of the comment submitted via the ICANN public comment form)*

Reference url:

https://www.icann.org/en/public-comment/proceeding/phase-2-initial-report-of-the-epdp-on-internationalized-domain-names-11-04-2024

Background[1]

The EPDP Team is seeking input on its twenty (20) preliminary recommendations, which focus on Phase 2 questions included in the EPDP Team's charter on the following topics:

- "Same entity" at the second-level and IDN Table harmonization
- Adjustments in registry agreement, registry service, registry transition process, and other processes/procedures related to the domain name lifecycle
- Adjustments in registration dispute-resolution procedures and trademark protection mechanisms
- Process to update the IDN Implementation Guidelines

In short, this Phase 2 Initial Report covers issues pertaining to second-level variant management. As a reminder, Phase 1 covered topics related to the top-level Generic Top-Level Domain (gTLD) definition and variant management, including sixty-nine (69) recommendations which received the Generic Names Supporting Organization (GNSO) Council's approval, and is currently awaiting Board's consideration.

Documents
- [EPDP IDNs Phase 2 Initial Report](#)

Related RySG comments
- [RySG comment on the Phase 1 Final Report of the EPDP on IDNs](#) (12 march 2024)
- [RySG comment on the Phase 1 Initial Report on IDNs EPDP](#) (19 June 2023)
- [RySG feedback on the IDNs EPDP Request for Early Input](#) (10 November)

Registries Stakeholder Group (RySG) comment
(copy of the comment submitted via the ICANN public comment form)

- Preliminary Recommendation(s) on "Same Entity"at the Second-level
- Preliminary Recommendation(s) on IDN Table Harmonization
- Preliminary Recommendation(s) on the Operational and Legal Impact of the "Same Entity" Principle to a Domain Name Lifecycle
- Preliminary Recommendation(s) on IDN Implementation Guidelines
- Other Comments and Submission

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[1] Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.

Preliminary Recommendation(s) on "Same Entity"at the Second-level

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Preliminary Recommendation 1:   *page 31 of the Initial report*
The "same entity" principle applies to the allocation of future variant domain names. This means that all allocatable variant domain names from a variant domain set must be allocated or withheld for possible allocation only to the same registrant. Additionally, all allocated domain names must be at the same sponsoring registrar.

Please indicate your response to Preliminary Recommendation 1.
☒ Support Recommendation as written

Implementation Guideline 2:   *page 31 of the Initial report*
Registry operators should take into account Recommendation 14 in SAC060, as well as language or script communities' widely acceptable practices among Internet users and established conventions, and consider:[2]

2.1 setting a maximum number of allocatable variant domain names that can be allocated to the same registrant of the source domain name; and
2.2 developing a mechanism to limit automatic activation of variant domain names to a minimum, if the registry operator opts to automatically activate variant domain names according to its policies.

Please indicate your response to Implementation Guideline 2.
☒ Support Recommendation intent with wording change

If you support the intent of Implementation Guideline 2 but think it requires a wording change, please provide your revised wording and reason here.
Given that this is a GNSO sponsored PDP and there are certain preliminary recommendations intended for gTLD registries to implement, the RySG highly recommends making a global change to replace the term "registry operator(s)" to "gTLD registry operator(s)" to avoid confusion as to who is requested to perform the activities .

Are there any comments or issues you would like to raise pertaining to the Rationale for Implementation Guideline 2? If yes, please provide your comments here.
SAC060 states only that the maximum number should be as small as possible. Consistent with that, IG 2 recommends that ROs set a maximum and keep that maximum to a minimum. However, in order to ensure interoperability implementors need a minimum value for the number of elements in the variant set that must be supported. A technical standard is beginning development to support these recommendations and it will choose a minimum value. What guidance should be provided for the value to be chosen?

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[2] (57) See Recommendation 14, SAC060, p. 20: https://www.icann.org/en/system/files/files/sac-060- en.pdf#page=20

> **Preliminary Recommendation 3:**   *page 31 of the Initial report*
> Immediately prior to the policy effective date of the "same entity" principle as set out in
> <u>Preliminary Recommendation 1</u>, the existing variant domain names that do not conform to the
> "same entity" principle must be grandfathered. This means that there will be no change to the
> contractual or allocation status of such existing variant domain names. The requirement of having
> the same registrant and the same sponsoring registrar will not be applied retroactively.

Please indicate your response to Preliminary Recommendation 3.
☒ Support Recommendation intent with wording change

If you support the intent of Preliminary Recommendation 3 but think it requires a wording change, please provide your revised wording and reason here.
Add a sentence to the end of the Recommendation:
The requirement (of having the same registrant and the same sponsoring registrar) will not be applied retroactively. **gTLD Registries must determine variant sets for each grandfathered label as if it was a source domain name and protect from registration all variant labels in all such variant sets in all variant gTLDs, as appropriate.**

> **Preliminary Recommendation 4:**   *page 34 of the Initial report*
> Any allocatable variant domain names of grandfathered domain names pursuant to <u>Preliminary
> Recommendation 3</u> cannot be allocated unless and until only one registrant and one sponsoring
> registrar remain for the grandfathered domain name(s) from the relevant variant domain set.

Please indicate your response to Preliminary Recommendation 4.
☒ Support Recommendation as written

Preliminary Recommendation(s) on IDN Table Harmonization

> **Preliminary Recommendation 5:**   *page 36 of the Initial report*
> All of the existing and future IDN Tables for a given gTLD and its delegated gTLD variant label(s), if
> any, must be harmonized. This means that all of the IDN Tables for a gTLD and its delegated gTLD
> variant label(s) must produce a consistent variant domain set for a given second-level label
> registered under that gTLD or its delegated gTLD variant label(s).

Please indicate your response to Preliminary Recommendation 5.
☒ Support Recommendation as written

> **Preliminary Recommendation 6:**   *page 38 of the Initial report*
> The baseline criteria for implementing IDNs at the second- level must be security and stability of
> the DNS. Registry operators, ICANN org and other relevant stakeholders must develop minimum
> IDN variant deployment requirements (i.e., variant sets) that do not compromise the stability and
> security of the DNS.

Please indicate your response to Preliminary Recommendation 6.
☒ Support Recommendation intent with wording change

If you support the intent of Preliminary Recommendation 6 but think it requires a wording change, please provide your revised wording and reason here.
Please refer to the comment in Implementation Guidance 2 with regards to replacing "registry operator" with "gTLD registry operator".

Are there any comments or issues you would like to raise pertaining to the Rationale for Preliminary Recommendation 6? If yes, please provide your comments here.
The RySG appreciates that the topic on minimum IDN variant deployment requirements at the second-level was one of the most challenging topics during the Phase 2 work and a lengthy collaborative process between the RySG and ICANN org have resulted in Recommendation 6 and Implementation Guidance 7. The RySG urged that these two items be considered as a pair for next steps, particularly in the call for relevant expertise to undertake the development of minimum IDN variant deployment requirements (i.e., variant sets) at the second-level.

Implementation Guidance 7: *page 38 of the Initial report*
ICANN org, gTLD registries, and other relevant stakeholders should collaborate to develop minimum IDN variant deployment requirements (i.e., variant sets) at the second-level. This should include respecting IDNA2008, IDN Implementation Guidelines, and any future versions of these two documents. In addition, this process can consider multiple sources of work, including but not limited to current registry operational practices, second-level reference LGRs, and the Root Zone LGR.

Please indicate your response to Implementation Guidance 7.
☒ Support Recommendation as written

Are there any comments or issues you would like to raise pertaining to the Rationale for Implementation Guidance 7? If yes, please provide your comments here.
The RySG appreciates that the topic on minimum IDN variant deployment requirements at the second-level was one of the most challenging topics during the Phase 2 work and a lengthy collaborative process between the RySG and ICANN org have resulted in Recommendation 6 and Implementation Guidance 7. The RySG urged that these two items be considered as a pair for next steps, particularly in the call for relevant expertise to undertake the development of minimum IDN variant deployment requirements (i.e., variant sets) at the second-level.

Preliminary Recommendation(s) on the Operational and Legal Impact of the "Same Entity" Principle to a Domain Name Lifecycle

> **Preliminary Recommendation 8:** *page 39 of the Initial report*
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> A registrant and its sponsoring registrar must jointly determine the source domain name, which must be registered, for calculating the variant domain set under a given gTLD and its delegated gTLD variant label(s), if any. The registrants and sponsoring registrars of the grandfathered variant domain names pursuant to Preliminary Recommendation 3 are exempt from this requirement.

Please indicate your response to Preliminary Recommendation 8.

☒ Support Recommendation as written

> **Preliminary Recommendation 9:** *page 40 of the Initial report*
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> The "same entity" principle, as set out in Preliminary Recommendation 1, must be adhered to in all stages of the domain name lifecycle of the allocated variant domain names in the same variant domain set. The grandfathered variant domain names pursuant to Preliminary Recommendation 3 are exempt from this requirement.

Please indicate your response to Preliminary Recommendation 9.

☒ Significant change required: changing intent and wording

If you support the intent of Preliminary Recommendation 9 but think it requires a wording change, please provide your revised wording and reason here.

Critical wording changes are needed in the rationale to support the intent of this Recommendation. **Without these changes it is not supported.**

If you do not support Preliminary Recommendation 9, please provide your reason here.

This Recommendation could be supported with the critical wording changes in the Rationale described below. Without these changes it is not supported.

Are there any comments or issues you would like to raise pertaining to the Rationale for Preliminary Recommendation 9? If yes, please provide your comments here.

The RySG could support this Recommendation as written as long as the following operational use case is approved and included in the Rationale. This use case is derived from an understanding of the complete set of Recommendations and documented Rationales in this proposed policy.

Please note this use case requires defining the term "Initial Source Domain Name", which is included later in this response in the section asking about the Glossary.

The Rationale currently includes the following sentence:

The EPDP Team came to the conclusion that each allocated variant domain should be allowed to have its own domain name lifecycle, which is independent from that of another allocated variant domain from the same variant domain set.

Operationally, there are two exceptions to this statement that must be accounted for.

Consider that the policy does not allow for the source domain name to be changed as the source domain name determines the disposition state for each member of the variant set. The operational complexity associated with changing the source domain name would be challenging and the RySG agrees that the value of this is exceeded by the complexity of its implementation. In addition, under the Deactivation bullet the following sentence is included:

The EPDP Team understood that registry operators would not allow a situation where the change or deactivation of the source domain name, if permitted, renders its allocated variant domain name(s) "blocked" due to compliance requirement of IDN Table implementation.

Taking everything above into account, this leads to the inescapable conclusion that while each variant domain name can have its own domain name lifecycle, the exception is that the end of "Pending Delete" for a source domain name has a direct impact on all labels in its variant set in the gTLD for which it is the source domain name.

Specifically, when a source domain name reaches the end of its "Pending Delete" and moves once again to being "Available", at that point in time all variant labels in its variant set in the gTLD in which it is the source domain name must also be deleted and move to being "Available".

Further, when the Initial Source Domain Name reaches the end of its "Pending Delete", in addition to all variant labels in its variant set in the gTLD in which it is the source domain being deleted, all other variant labels in all other TLDs in the corresponding gTLD variant set (if appropriate) must also be deleted.

These exceptions must be noted and explained in the Rationale.

Preliminary Recommendation 10:   *page 45 of the Initial report*

In the event an inter-registrar transfer process is initiated for a domain name, which is a member of a variant domain set, the process must encompass all of its allocated variant domain names, if any, together. The grandfathered variant domain names pursuant to <u>Preliminary Recommendation 3</u> are exempt from this requirement.

Please indicate your response to Preliminary Recommendation 10.
☒ Significant change required: changing intent and wording

Are there any comments or issues you would like to raise pertaining to the Rationale for Preliminary Recommendation 10? If yes, please provide your comments here.

For Recommendation 10, 11, and Implementation Guidance 12:
The RySG recommends that rather than recommending a particular change to this policy, the EPDP should recommend that the relevant policy be examined for the need for a possible change in the context of the results of the IDN EPDP. The rationale for this recommendation is that the policy (much like the IDN policy) is complex, nuanced, and the result of detailed negotiations among various stakeholders and providing an outcome when lacking certain relevant context may disturb the balance of the existing policy. The RySG suggests that the IDN EPDP instead follow the example set by the Registration Data Policy EPDP in its Recommendation 27, which suggested the examination of various policies for a "review for impacts" by the Registration Data Policy.

Preliminary Recommendation 11:   *page 46 of the Initial report*
In the event a domain name is ordered to be transferred as a result of a Uniform Domain Name Dispute Resolution Policy (UDRP) administrative proceeding, the transfer process must include the domain name and all of its allocated variant domain names, if any, together. The grandfathered variant domain names pursuant to <u>Preliminary Recommendation 3</u> are exempt from this requirement.

Please indicate your response to Preliminary Recommendation 11.
☒ Significant change required: changing intent and wording

Are there any comments or issues you would like to raise pertaining to the Rationale for Preliminary Recommendation 11? If yes, please provide your comments here.
For Recommendation 10, 11, and Implementation Guidance 12:
The RySG recommends that rather than recommending a particular change to this policy, the EPDP should recommend that the relevant policy be examined for the need for a possible change in the context of the results of the IDN EPDP. The rationale for this recommendation is that the policy (much like the IDN policy) is complex, nuanced, and the result of detailed negotiations among various stakeholders and providing an outcome when lacking certain relevant context may disturb the balance of the existing policy. The RySG suggests that the IDN EPDP instead follow the example set by the Registration Data Policy EPDP in its Recommendation 27, which suggested the examination of various policies for a "review for impacts" by the Registration Data Policy.

Implementation Guidance 12:   *page 47 of the Initial report*
A Uniform Rapid Suspension System (URS) complainant is responsible for deciding whether to include allocated variant domain names, if any, of a disputed domain name as part of their URS complaint.

Please indicate your response to Implementation Guidance 12.
☒ Significant change required: changing intent and wording

Are there any comments or issues you would like to raise pertaining to the Rationale for Implementation Guidance 12? If yes, please provide your comments here.

For Recommendation 10, 11, and Implementation Guidance 12:
The RySG recommends that rather than recommending a particular change to this policy, the EPDP should recommend that the relevant policy be examined for the need for a possible change in the context of the results of the IDN EPDP. The rationale for this recommendation is that the policy (much like the IDN policy) is complex, nuanced, and the result of detailed negotiations among various stakeholders and providing an outcome when lacking certain relevant context may disturb the balance of the existing policy. The RySG suggests that the IDN EPDP instead follow the example set by the Registration Data Policy EPDP in its Recommendation 27, which suggested the examination of various policies for a "review for impacts" by the Registration Data Policy.

Preliminary Recommendation 13:   *page 49 of the Initial report*

ICANN org must conduct outreach to dispute resolution providers, registries, registrars, registrants, and mark owners to enhance their understanding of gTLD variant labels and variant domain names, in particular, their potential impact on dispute resolution proceedings.

Please indicate your response to Preliminary Recommendation 13.
⊠ Support Recommendation as written

Are there any comments or issues you would like to raise pertaining to the Rationale for Implementation Guidance 13? If yes, please provide your comments here.

The RySG believes that outreach would be helpful given the complexity and nuance of the IDN topic. During the development of such outreach materials, ICANN org should engage with various implementers to seek their input and feedback on the content.

Preliminary Recommendation 14:   *page 50 of the Initial report*

To account for the same entity principle and its implications for variant domain names, a service must be enabled to discover the allocated variant domain names for a given domain name, including an indication of the source domain name(s) of the variant domain set. ICANN org and relevant stakeholders must consider ways to enable such a requirement. The grandfathered variant domain names pursuant to Preliminary Recommendation 3 are exempt from this requirement.

Please indicate your response to Preliminary Recommendation 14.
⊠ Support Recommendation intent with wording change

If you support the intent of Preliminary Recommendation 14 but think it requires a wording change, please provide your revised wording and reason here.

To account for the same entity principle and its implications for variant domain names, **ICANN org should work with relevant stakeholders to develop and enable a service to** discover the allocated variant domain names for a given domain name, including an indication of the source domain

name(s) and initial source domain name of the variant domain set. **[deletion]** The grandfathered variant domain names pursuant to Preliminary Recommendation 3 are exempt from this requirement.

Rationale:

The RySG agrees both with the need for visibility of a complete variant set when provided with a UDRP or URS disputed domain name (if appropriate) and with the potential operational complexities of providing such a discovery service. The RySG also notes both that visibility of a complete variant set is expected to be available to registrars partners of registries via a method that will be set by registry policy and that registries routinely respond to UDRP and URS requests as appropriate. Thus, the intent of this recommendation will already be available as part of ordinary operation. However, none of this is a public service.

The RySG agrees with the intent of this recommendation but, as worded, this recommendation suggests that a public discovery service is required and the RySG does not agree with that. The rationale does not include any motivation for a public service nor is there any motivation that distinguishes the requested service from current operational requirements. Further, given the potential operational complexities the RySG rejects the mandated requirement but is willing to accept the requirement to work with relevant stakeholders to identify a possible solution.

Implementation Guidance 15:   *page 51 of the Initial report*

Preliminary Recommendation 14 is intended as a minimum requirement. A registry or a registrar may choose to enhance the behavior of the service (Registration Data Directory Services [RDDS] or other alternatives) to provide additional information or enable other methods to provide the following information (e.g., bulk services):

15.1 if leveraging the RDDS, the required data elements for the given domain name in accordance with the Registration Data Policy;[3]

15.2 all the other allocated variant domain name(s) under a given gTLD and its delegated gTLD variant label(s), if any; and

15.3 the source domain name used to calculate the variant domain set.

Please indicate your response to Implementation Guidance 15.

☒ Do not support Recommendation

If you do not support Implementation Guidance 15, please provide your reason here.

Implementation Guidance 15 does not appear to add anything that is not already stated in Recommendation 14. Its reference to RDDS seems to be an attempt to propose a solution and that particular solution has two problems. First, RDDS is a simple query-response transaction system with contractually enforced Service Level Agreements that are specific to its expected behaviour. The functionality proposed here is outside that scope of behaviour and would likely require a review of those SLAs. Second, the RDDS is a public service and there is no expected need for this proposed service to be public.

Implementation Guidance 15 should be deleted for these reasons.

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[3] (89) See the Registration Data Policy here: https://www.icann.org/resources/pages/registration-data-policy-2024-02- 21-en

Are there any comments or issues you would like to raise pertaining to the Rationale for Implementation Guidance 15? If yes, please provide your comments here.

The Rationale for Implementation Guidance 15 should have the following two paragraphs deleted:

> As noted in its implementation guidance … the variant domain set.

> To provide such visibility, … variant domain names in their response.

Preliminary Recommendation 16:   *page 51 of the Initial report*

If two or more delegated gTLDs belong to the same variant label set in accordance with RZ-LGR calculation, the Root Zone Database on iana.org must denote, in a transparent manner, their variant relationship and indicate which one serves as the primary gTLD for calculating the variant label set.

Please indicate your response to Preliminary Recommendation 16.

☒ Support Recommendation as written

Implementation Guidance 17:   *page 51 of the Initial report*

Registry operators should publish policies, in a transparent manner, that reflect their implementation of the EPDP-IDNs Phase 2 recommendations. In particular, such policies should reflect the implementation of <u>Preliminary Recommendations 1, 3-5, 14 and Implementation Guidance 2</u>.

Please indicate your response to Implementation Guidance 17.

☒ Support Recommendation intent with wording change

If you support the intent of Implementation Guidance 17 but think it requires a wording change, please provide your revised wording and reason here.

Proposed new wording:

In particular, such policies should reflect the implementation of Preliminary Recommendations 1, 3-5, **[deletion]** and Implementation Guidance 2.

Rationale:

The change is to drop Recommendation 14 from the list of policies to be included in the policy statement. This is necessary to be consistent with our response to Recommendation 14 to change the requirement to be future work development.

Preliminary Recommendation(s) on IDN Implementation Guidelines

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Preliminary Recommendation 18:   *page 54 of the Initial report*

The existing process for developing and updating the IDN Implementation Guidelines, that

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> includes establishing a working group of community experts and ICANN org staff, under the governance of ICANN Board IDN-UA Working Group (IDN-UA WG) (or its relevant successor in the future), must be maintained.
>
> The process for developing and updating the IDN Implementation Guidelines must be formalized and documented to enhance its predictability, transparency, rigor, efficiency, and effectiveness.The ICANN Board IDN-UA WG or its relevant successor will be responsible for documenting the process, in consultation with the ICANN community.
>
> The documented process must be approved by the GNSO Council, the ccNSO Council, and the ICANN Board.

Please indicate your response to Preliminary Recommendation 18.
    ☒ Support Recommendation intent with wording change

If you support the intent of Preliminary Recommendation 18 but think it requires a wording change, please provide your revised wording and reason here.
Proposed new wording:
The existing process for developing and updating the IDN Implementation Guidelines, that includes establishing a working group of community experts and ICANN org staff, under the governance of ICANN Board **[deletion]** must be maintained.

Rationale:
The process for developing and updating the IDN Implementation Guidelines must be formalized and documented to enhance its predictability, transparency, rigor, efficiency, and effectiveness. The ICANN Board will be responsible for documenting the process, in consultation with the ICANN community.

Are there any comments or issues you would like to raise pertaining to the Rationale for Preliminary Recommendation 186? If yes, please provide your comments here.
The ICANN Board IDN-UA Working Group (IDN-UA WG) is not a permanent structure of the ICANN Board and as such the revised wording should sufficiently reflect the intent of the recommendation to have Board oversight on this process. In addition, policy recommendations coming out of the IDN EPDP should not direct what the ccNSO must do with respect to IDN Implementation Guidelines.

> **Implementation Guidance 19:**   *page 54 of the Initial report*
> As part of documenting the process as set out in Preliminary Recommendation 18, consideration should be given to establishing a formal charter or similar standalone document for subsequent IDN Implementation Guidelines Working Group that includes, but is not limited to the following:
>
> 19.1 Purpose and scope;
> 19.2 Membership including the structure and roles, required expertise, selection process, and lengths of membership term;
> 19.3 Working methods including the circumstance(s) that would lead to the convening of the working group, the type of outputs the working group is expected to produce, and checkpoints for awareness building and input gathering from affected parties.

Please indicate your response to Implementation Guidance 19.
☒ Support Recommendation as written

Preliminary Recommendation 20: *page 54 of the Initial report*
Any future versions of the IDN Implementation Guidelines must be approved by the GNSO Council and the ccNSO Council prior to consideration and approval by the ICANN Board.

Please indicate your response to Preliminary Recommendation 20.
☒ Do not support Recommendation

If you do not support Preliminary Recommendation 20, please provide your reason here.
With the suggested wording change in Recommendation 18, the RySG do not believe Recommendation 20 is necessary.

Other Comments and Submission

Are there any comments or issues you would like to raise pertaining to Section 3: Glossary (pages 11-28) of the Initial Report? If yes, please provide your comments here.
The term "Initial Source Domain" needs to be defined. See Recommendation 9 for its usage. The RySG suggests adding a row for the term and the definition should say, "See Source Domain". Then, in the definition for Source Domain, we suggestion the following paragraph be added at the end:

> The Initial Source Domain Name refers to the first source domain name registered from a variant domain set under any TLD in the gTLD variant label set.

Other Comments
The EPDP on IDNs is a GNSO sponsored PDP and there are certain preliminary recommendations intended for gTLD registries to implement, the RySG therefore highly recommends making **a global change to the report** to replace the term "registry operator(s)" to "gTLD registry operator(s)" to avoid confusion as to who is requested to perform the activities .