

24 May 2019

Donna Austin
Chair, gTLD Registries Stakeholder Group

Dear Donna;

Thank you for the “RySG Statement on IDN Variant TLD Management Framework Recommendations et al.” dated 30 April 2019 and submitted to the GNSO Council. We appreciate the RySG’s thoughtful consideration and engagement on the path forward for this set of developments touching on internationalized domain names (IDNs). ICANN org has carefully reviewed this input and would like to take this opportunity to share some additional information that may be helpful, based on the list of issues and proof points provided, in detail below.

1. Need for New Policy Development

The first set of points concerns the *Recommendations for Managing IDN Variant TLDs approved by the Board on 14 March 2019*. The resolution approving the Variant TLD Recommendations highlights the importance of IDNs to enable Internet users to access domain names in their own languages. The multistakeholder community work reflected in the Variant TLD recommendations has taken place over several years to enable implementation of variant labels in the root zone in a way that maintains the security and stability of the DNS.

Specific RySG points are discussed below.¹

	RySG Statement	ICANN org notes
1	Variant TLD Recommendations	ICANN org agrees that the IDN Variant TLD Recommendations impact existing and future TLDs.

¹ As a point of clarification on item 1(d), ICANN org notes that section 1.3.3 of the gTLD Applicant Guidebook provided that “The applicant may also declare any variant strings for the TLD in its application,” but there was no requirement to do so. Section 1.3.3 described how any such strings would be handled, with a placeholder for policy that might be developed: “Declaration of variant strings in an application does not provide the applicant any right or reservation to a particular string. Variant strings on the Declared Variants List may be subject to subsequent additional review per a process and criteria to be defined.”

ICANN org notes that addressing these declared variant labels submitted by gTLD applicants in 2012 would need to occur in the context of RZ-LGR work, as also discussed in the recommendations released by the RZ-LGR Study Group.

As noted in the discussion in this section, it is at the discretion of the GNSO to determine how best to undertake the relevant policy work, i.e., to organize its work across one or more PDPs.

	RySG Statement	ICANN org notes
	<p>impact existing and future TLDs; therefore, a new PDP must undertake this new work (for existing TLDs), while keeping SubPro PDP involved (for future TLDs).</p>	<p>Accordingly, Board resolution 2019.03.14.08 requested the GNSO and ccNSO to “take into account the Variant TLD Recommendations while developing their respective policies to define and manage the IDN variant TLDs for the current TLDs as well as for future TLD applications.”</p> <p><i>ICANN org has no position on the appropriate form of policy making mechanism related to the existing and future TLDs or policies impacted by these recommendations, which are for the GNSO and ccNSO to determine.</i></p>
1a	<p>Board resolution 2019.03.14.08 requests GNSO and ccNSO to “take into account the Variant TLD Recommendations while developing their respective policies to define and manage the IDN variant TLDs for the current TLDs as well as for future TLD applications.”</p>	<p><i>Resolution 2019.03.14.09 also requested that the ccNSO and GNSO keep each other informed of the progress in developing the relevant details of their policies and procedures to ensure a consistent solution, based on the Variant TLD Recommendations, is developed for IDN variant ccTLDs and IDN variant gTLDs. ICANN org continues to encourage the GNSO and ccNSO to work together to align policy outcomes for ccTLD and gTLD processes and is prepared to offer resource support for such efforts.²</i></p>
1b	<p>The Variant TLD Recommendations recommend amendments to current policies, such as UDRP, TMCH, PDDRP; all of these policies do apply to existing contracts.</p>	<p>It may be useful to distinguish the IDN Variant TLD recommendations themselves from the possible implications of these recommendations as presented in the analysis.</p> <p>The analysis shared does indicate that the recommendations may have implications on other processes such as the Uniform Domain Name Dispute Resolution Policy (UDRP), processes associated with the Trademark Clearinghouse, and the Post-Delegation Dispute Resolution Procedure (PDDRP), which should be investigated for providing further guidance.</p>

² It should also be noted that Root Zone Label Generation Rules (RZ-LGR) Study Group, [formed from experts from the community](#) following the request from the ICANN Board, is currently finalizing recommendations on technical use of Root Zone Label Generation Rules, which will provide further important input to this policy work. These recommendations were [posted](#) for public comment on 15 May 2019.

	RySG Statement	ICANN org notes
		Changes to these mechanisms would depend on the bottom-up policy process.
1c	<p>Implementation of “same entity” for variant sets at the second level, as recommended by the Variant TLD Recommendations, will require coordination and collaboration between registries and registrars to find a cost effective solution that maximizes adoption.</p>	<p>Section 3.7 of the IDN Variant TLD Implementation: Motivation, Premises and Framework notes that there is no comprehensive technical solution which can address how variant TLDs may be used by the variety of applications.” The numerous categories of how variant labels may occur in specific scripts, described in the 2012 Integrated Issues Report and elsewhere, indicate that the technical implementation of the same entity requirement may vary based on the TLD.</p> <p>While the technical implementation of variant labels may differ among registry operators, ICANN org supports efforts to determine an industry-wide administrative mechanism for applying “same entity” requirements which would also benefit from a coordinated solution by the GNSO and ccNSO.</p> <p>ICANN org notes that there is industry experience in this area that may be useful as a reference; for example, registries in the Asia Pacific region have been identifying and using IDN variant labels at the second level for some time with the same registrant for variant labels.</p>

2. Disparate Treatment of TLDs / Registry Operators

As you are aware, an IDN Table defines the permitted characters and rules for combining characters to form labels in the languages and scripts applicable to a particular DNS zone. ICANN org reviews IDN Tables from gTLD registry operators for potential security and stability issues, in support of its mission to ensure the stable and secure operation of the Internet's unique identifier systems. These reviews may occur at various points during the lifecycle of a gTLD, e.g., during the Registry Systems Testing (RST)³ prior to initial delegation of the gTLD, during a change of registry services provider (back-end provider), or through the Registry Services Evaluation Process (RSEP) if an IDN Table is added or changed after delegation.

³ RST was formerly referred to as Pre-Delegation Testing (PDT).

Beginning in 2013, ICANN org employed Internetstiftelsen i Sverige (IIS) as the vendor for the RST. Part of the testing includes the review of the IDN Tables submitted by new gTLD registry operators in the RSEP and RST processes. To provide transparency into the testing process, in late 2014 ICANN org worked with IIS to [publish reference](#) IDN Tables that they were using to evaluate the security and stability of the tables submitted by the registries.

In the period since 2013, the community has undertaken significant work on IDNs, including the Root Zone Label Generation Rules (RZ-LGR)⁴ process by the various script communities, with the latest version, [RZ-LGR-3](#) containing 16 scripts, recently released for public comment. The RZ-LGR has been developed by experts from the relevant script communities and encoded in the standard for LGR framework ([RFC7940](#)) published in 2016, which enables accurate and machine processable representation of the linguistic data needed for defining valid domain name labels and their variant labels. Though the work on RZ-LGR is focused on top-level labels, it also provides information relevant to security and stability of the IDN labels at the second level for the scripts integrated. As the script communities advance their work for the RZ-LGR, this additional knowledge is also incorporated into ICANN org's review of subsequent registry IDN Tables for the second level to help identify and address any potential security or stability issues.

In the same time period, the technical community has provided additional input in areas including possible issues with certain kinds of Unicode characters in identifiers and design of LGRs to support variant labels, e.g., the [statement](#) in 2015 and [follow-up statement](#) in 2018 by the Internet Architecture Board (IAB) and the guidance developed by Internet Engineering Task Force in [RFC6912](#) in 2013 and [RFC8228](#) in 2017.

To further transparency and propagation of these developments, ICANN org has collated this information into Second-Level [Reference LGRs](#), which are IDN Tables in RFC7940 format, for several of the frequently-used language-based IDN tables. The process and community-reviewed [guidelines](#) for these Reference LGRs are published at <https://www.icann.org/resources/pages/second-level-lgr-2015-06-21-en>. Though a registry may design its own IDN Table, these LGRs provide a detailed reference point for the particular language or script for any subsequent IDN Tables submitted by registry operators, and may also be referenced by registries using the previous versions of the IDN Tables. The goal of publishing these reference LGRs for the second level is to enable registries to adopt these LGRs either as is, or to take them as the basis for further modifications.

⁴ The terms [Internationalized Domain Name table](#) and [Label Generation Rules](#) are synonymous.

Specific RySG points are discussed below.

	RySG Statement	ICANN org notes
2	ICANN is rejecting implementation of previously approved (and in use) IDN Tables in other TLDs.	There are a number of reasons ICANN org might not accept a particular IDN table submission. IDN Tables that are in use or were previously approved may not necessarily be compliant with current standards and technical advice as they are updated from time to time. See discussion of this process below.
2a	Without notice, publication, or justification, ICANN Staff unilaterally changes requirements for IDN Tables and rejects use of previously approved IDN Tables that are and have been in use by other TLDs for years.	All IDN tables submitted are reviewed by IIS, following which ICANN org reviews the results as part of its due diligence. Given the security and stability objective behind the review of registry IDN tables, ICANN org typically takes a conservative approach and does not accept tables where there is a potential issue or question.
2b	During Pre-Delegation Testing (PDT), ICANN threatens test failure unless the Registry Operator conforms to completely unknown standards for IDN tables. Recently, a Registry Operator's Arabic table would have "failed" even though the same table is being used by hundreds of other TLDs and is still published on the PDT tester's website.	IDN test specifications and test cases are published on the RST webpage. These materials are updated from time to time, as described above, most recently last year to add the LGR formats to the already existing RFC formats. We welcome discussion with the RySG on how to disseminate updates more effectively.
2c	The lack of process or transparency by which ICANN evaluates IDN Tables is egregious and disparately impacting services provided by TLDs.	
2d	ICANN does not have the authority to treat Registry	ICANN org takes seriously its responsibility not to apply its standards, policies, procedures, or practices

	RySG Statement	ICANN org notes
	Operators differently, and require adherence to one set of standards that are not equally and evenly applied to all Registry Operators.	<p>inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition.</p> <p>There should be no disparate treatment in the review of registry IDN tables. However, new requirements and resources may result in different outcomes, where later submissions are reviewed in light of information not previously applicable.</p> <p>ICANN org fully supports ensuring that timely information on IDN Table requirements and resources should be equally available to all. ICANN org commits to working with RySG to identify potential communication gaps and welcomes suggestions in this area.</p>

3. IDN Guidelines (for the second level), not guidelines but contract obligations

The IDN Implementation Guidelines were first developed in 2003 by the community to minimize the risk of cybersquatting and consumer confusion in the introduction of internationalized domain names. The Guidelines apply to second-level IDN registration policies and practices under top-level domains (TLDs) and were developed collaboratively by ICANN and registries. Version 1.0 was endorsed by the ICANN Board on 27 March 2003 and published on 20 June 2003, coinciding with the launch of deployment of IDNs under the IETF's proposed standard reflected in RFCs 3490-3492.

In June 2003, ICANN began authorizing registries having agreements with ICANN to deploy IDNs according to the provisions of the Guidelines (see for example <https://www.icann.org/resources/pages/twomey-to-karp-2004-01-20-en>).

Version 1.0 provided that “As the deployment of IDNs proceeds, ICANN and the IDN registries will review these Guidelines at regular intervals, and revise them as necessary based on experience.” The IDN Guidelines have been updated multiple times since [Version 1](#), with [Version 2.0](#) released on 7 November 2005 and [Version 3.0](#) released on 2 September 2011.

Compliance with the Guidelines has continued to be required for IDN registrations, as it is today through the new gTLD Registry Agreement (RA) and 2013 Registrar Accreditation Agreement.

Specific RySG points are discussed below.

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3	<p>ICANN IDN Guidelines have evolved over time from implementation guidelines (i.e. best practice) to contract obligations. There is lack of clarity as to the process for amending the document.</p>	<p>Compliance with these Guidelines has always been a requirement for gTLD registries wishing to offer IDN registrations.</p> <p>The process for amendment of the Guidelines has been consistent, including initiation upon community request, a call for multistakeholder expertise, formation of a working group, drafting of proposed updated versions, public comment, and Board consideration.</p> <p>The latest review and update in the Guidelines was started on the request of the community. In June 2014, during ICANN50, GNSO Council and its members requested the ICANN Board Variant Working Group to update these Guidelines to incorporate the experience of the community in implementing IDNs.</p> <p>The same process is being used to update the Guidelines to version 4.0 at this time as has been used previously. Following the Call for Community Experts, the IDN Guidelines WG was formed based on nominations from GNSO, ccNSO, SSAC and ALAC and included multiple members from organizations who are members of the RySG. The WG updated the Guidelines, based on two public comment periods and input from multiple presentations to the community during ICANN meetings. The IDN Guidelines v4.0 were published by the WG in May 2018 for further consideration by the ICANN Board.</p> <p>Leading up to and following the May 2018 publication, GDD has also engaged with the RySG and registries generally to help increase awareness of this activity and its implications, including discussions at the RySG meetings at ICANN60 and 63.</p> <p>ICANN org welcomes input from RySG on how to make this process more effective in the future.</p>

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3a	Most registry agreements contain the provision “Registry Operator shall comply with the ICANN IDN Guidelines at < http://www.icann.org/en/topics/idn/implementation-guidelines.htm >, as they may be amended, modified, or superseded from time to time.”	<p>The registry agreements and the Registrar Accreditation Agreement contemplate continuous updates to the Guidelines, and explicitly provide for compliance with such.</p> <p>These Guidelines are also expected to be followed by the IDN ccTLDs, through the Fast Track process.</p>
3b	The amendment was done by a working group, not a PDP.	<p>As with previous versions, the development of version 4.0 of the Guidelines was not based on a GNSO PDP but on a multistakeholder collaborative process, with the expertise and participation of gTLD and ccTLD registries and others.</p> <p>These guidelines are a common baseline applicable to gTLDs (in the Applicant Guidebook) and ccTLDs (in the Fast Track process) which may also be a relevant resource for the GNSO in its continuing policy development.</p>
3c	Draft version 4 uses stronger language (i.e., “will” changed to “must”) and adds new obligations upon contracted parties, namely registries.	Version 4.0 of the IDN Guidelines is an update to an obligation registry operators already have in the registry agreement, rather than a new obligation. It is updated on the request of the community, by the community and following the existing process. The new version of the guidelines does add new requirements which are motivated from security needs.

Requests from the RySG to the GNSO Council

ICANN org notes the [letter](#) of 30 April 2019 from Keith Drazek, GNSO Council Chair, to Cherine Chalaby requesting that the ICANN Board defer a vote on the IDN Guidelines 4.0 issue to allow for consideration of any policy implications under the GNSO’s remit. As you may be aware, the Board removed this item from its consent agenda for the 3 May 2019 meeting.

The implications of implementing IDN variant TLDs are wide-ranging, and the ICANN Board has accordingly requested the GNSO to consider these carefully in its policy work. Though the

impact of the updated IDN Guidelines is more limited, there is some overlap with the IDN Variant TLD recommendations, e.g., in the analysis of IDN variant labels at the second level. Thus, it is useful to look at the IDN Variant TLD recommendations and IDN Guidelines together, but it may also be necessary to keep the analysis separate where needed, as these have different contexts and motivations.

ICANN org undertakes the activities described here in light of the importance of maintaining the security and stability of the DNS, supporting a safe environment for IDN users, and minimizing the potential for abuse.

We hope these notes are useful to your discussion. Once again, thank you for your proactive engagement and for taking the time to share your feedback. We look forward to engaging with you further to address the issues you have raised.

Please see this letter as an opportunity for further conversation and not as an end to the discussion. This may not have been on the top of everyone's agenda, and learning from each other through open and constructive dialogue is probably a good way forward. If we at ICANN org have erred in our communication, I am sorry for that; going forward I hope that we can avoid misunderstandings by talking to each other.

Sincerely,



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)