



The Internet Corporation for Assigned Names and Numbers

11 February 2014

Mr. Marc van Wesemael
EURid vzw/asbl
Woluwelaan 150
B-1831 Diegem, Belgium

Dear Mr. van Wesemael,

Thank you for your letter on 20 January 2014 regarding the IDN ccTLD Implementation Plan and the recently published Guidelines for the Extended Process Similarity Review Panel (EPSRP). I would like to express my appreciation for your constructive involvement in and inputs to this process and for the application you submitted.

Attached to this letter please find our responses to the questions raised in the final section of your letter. As indicated in our prior updates to you and the European Commission, the Guidelines are an integral part of the amendment of the Final Implementation Plan and in accordance with the ccNSO request dated 10 April 2013 to introduce the EPSRP and related transitional arrangement for pending requests under the Fast Track Process. The Guidelines also take into account related GAC advice¹.

I confirm and assure you that the process is fully compliant with the practice to date to amend the Fast Track Final Implementation Plan.

Thank you for your contributions to and involvement in ICANN's multi stakeholder process. Please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,

Cyrus Namazi
Vice President, Domain Name Services
Generic Domains Division

cc: Fadi Chehadé, ICANN
Steve Crocker, ICANN Board

¹ GAC communiqué Prague meeting: <https://gacweb.icann.org/display/gacweb/Meeting+44%3A+Prague%2C+Czech+Republic%2C+24-29+June+2012>

The following Annex provides answers and clarifications to the questions outlined in the final section of the document titled “IDN ccTLD Implementation Plan and EPSRP: Inconsistencies and Concerns” attached with your letter.

Responses to Eurid’s requests and questions stated in section 7 (Requests to the Board):

- “A suspension of any time limits set out in the Implementation Plan and EPSRP Guidelines for the filling of applications (eg the three month period for invoking the EPSRP)”:

In accordance with the ccNSO resolution dated 9 April 2013, the ccNSO sent a request to the ICANN Board to introduce the EPSRP and related transitional arrangement for pending requests under the Fast Track Process. Specific time limits within the evaluation steps of the Fast Track Process were included in the ccNSO policy recommendations pertaining to the selection of IDN country code TLD strings, as adopted by the ccNSO members on 13 August 2013. The time limits are aimed to improve expectations for requests’ processing times. The specific time limits are an integral part of proposed procedural changes and will remain in effect in the current implementation of the EPSRP and transitional arrangement.

- “A full review of the Implementation Plan and EPSRP Guidelines to provide clarification on the issues highlighted in this paper”:

In October 2011 and after extensive discussion in the ccNSO and the community, the chair of the ccNSO requested the ICANN Board to direct staff to implement a change to the process in the Final Implementation Plan (FIP) for IDN ccTLD Fast Track Process regarding the string similarity review. This change is intended to accommodate cases when the requested IDN ccTLD string is a meaningful representation of the name of the territory and is **only** confusingly similar with the two-letter [a-z] country code that is associated with the same territory. As a result, the FIP was updated and became effective on 15 December 2012 without further public consultation.

After the adoption of the Final Report on the ccNSO IDN Policy Development Process² by the ccNSO Council at its meeting in Beijing, April 2013, the chair of ccNSO, in a similar manner as described above, requested the ICANN Board to direct staff to update the FIP to implement a two-panel process for confusing similarity review in the IDN ccTLD Fast Track Process, as defined in the Final Report of the IDN ccPDP, dated 29 March 2013. The request also included a transitional arrangement allowing pending requests to use the second panel. The ccNSO further requested the Board to direct staff to further develop the method and criteria to assess confusing similarity and the additional aspects relating to the roles and responsibilities of the two panels. At its meeting on 27 June 2013, the ICANN Board approved the amendment of the Fast Track Implementation Plan and directed the CEO to

² IDN ccNSO Policy Development Process - Final Report: <http://ccnso.icann.org/node/37897>

implement the amendment as soon as possible. As a result, the updated Fast Track FIP³ became effective, once the EPSRP was appointed, in accordance with the ccNSO request.

Both amendments of the Fast Track FIP relating to the confusing similarity review procedures are part of the ccNSO Policy proposals for IDN ccTLD string selection criteria, requirements and processes, as submitted to the ICANN Board of Directors. We also note that according to these Policy proposals, it is anticipated by the ccNSO that “some parts of the recommendations and process steps will need to be further refined and interpreted by ICANN staff before they will be implemented. It is further anticipated that this will be done through an implementation plan or similar planning document. It is therefore recommended that the ccNSO monitors and evaluates the planned implementation of recommendations and the ccNSO Council reviews and approves the final planning document, before implementation by staff”⁴. We also note that the ccNSO request to the ICANN Board to amend the Fast Track process did not include a public review process of the changes to the Fast Track FIP.

- “Written responses to the numbered questions”

Please find below responses to each of the questions raised in the letter:

1. The standard for confusing similarity was initially developed for use in the Fast Track Process, which was adopted by the ICANN Board of Directors in 2009. The Fast Track methodology was developed jointly by the ccNSO and the GAC and implemented through the Fast Track Final Implementation Plan. This is a different environment and policy development context than the new gTLD context one.

The reference to a conservative approach has been in the Fast Track Final Implementation Plan since 2009.

The Final Report on the ccNSO IDN Policy Development Process, as adopted by the ccNSO Council and submitted to the ICANN Board of Directors, includes a reference to Principles For Unicode Point Inclusion in Labels in the DNS Root. These Principles include a reference to the conservative approach. No comments regarding this approach have been noted within the feedback received from the community on the Interim Report⁵.

Furthermore, the following excerpts from the two guides detailing the application process for both Fast Track⁶ and new gTLD processes⁷ highlight a fundamental string evaluation difference

³ <http://www.icann.org/en/resources/idn/fast-track/idn-ccTLD-implementation-plan-05nov13-en.pdf>

⁴ <http://ccnso.icann.org/announcements/announcement-26sep13-en.htm>

⁵ <http://forum.icann.org/lists/draft-recommendations-idn-ccTLD-selection/msg00002.html>

⁶ Final Implementation Plan for IDN ccTLD Fast Track Process: <http://www.icann.org/en/resources/idn/fast-track/idn-ccTLD-implementation-plan-05nov13-en.pdf>

⁷ gTLD Applicant Guidebook: <http://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>

attributed to the mandated lengths of the strings in the Fast Track process versus the new gTLD program.

“... for a requested IDN ccTLD string through the Fast Track Process: the string must be a minimum of two characters long (U-label)”,...and string similarity criteria for the Fast Track Process check strings for confusing similarity to any “combination of two ISO 646 Basic Version (ISO 646-BV) characters⁸ (letter [a-z] codes or other existing or applied for TLDs).”

Whereas,

“Policy Requirements for Generic Top-Level Domains applying to all prospective top level domain strings applied for as gTLDs are:

- 1. Applied-for gTLD strings in ASCII must be composed of three or more visually distinct characters. Two character ASCII strings are not permitted, to avoid conflicting with current and future country codes based on the ISO 3166-1 standard.*
 - 2. Applied-for gTLD strings in IDN scripts must be composed of two or more visually distinct characters in the script, as appropriate. Note, however, that a two-character IDN string will not be approved if:*
 - 2.1 It is visually similar to any one-character label (in any script); or*
 - 2.2 It is visually similar to any possible two-character ASCII combination.”⁸*
2. As previously stated, changes that were implemented with regards to the confusability review processes in the context of the two processes (IDN ccTLD Fast Track Process and new gTLD Program) have followed different paths. For example, the introduction of the second panel is specific to the Fast Track Process and is aimed to mitigate concerns raised by the GAC and some ccTLD community members, including EURid. Furthermore, confusing similarity evaluation processes were implemented within the scope and parameters of each of the two programs, including other factors for each program, such as community objections (for the new gTLD program), and the meaningfulness requirement for requested IDN ccTLD strings (Fast Track Process.)
 3. As you indicate in your letter, the Fast Track methodology and its implementation are experimental and temporary by definition. In time, it will be replaced by the policy developed by the ccNSO following its implementation. As indicated in the IDN ccTLD Fast Track Final Implementation Plan, the experimental nature of the process refers to the policy and not to the decisions made under the Fast Track process itself, including related decisions on allocation of IDN ccTLDs. As such, decisions made by panels evaluating under the Fast Track Process are final; however, they only relate to applications submitted under the Fast Track Process.

⁸ International Organization for Standardization, "Information Technology – ISO 7-bit coded character set for information interchange," ISO Standard 646, 1991

4. Please refer to above response regarding “suspension of any time limits set out in the Implementation Plan and EPSRP Guidelines for the filling of applications (eg the three month period for invoking the EPSRP).”
5. The standard for string confusability under the Fast Track process is as quoted in the Final Implementation Plan, and the rules for assessing confusing similarity by the DNS Stability Panel against the standard is documented⁹ and has not been adjusted as a result of ccNSO’s requests. The rule for assessing confusing similarity by the EPSRP against the standard is documented in the Guidelines for the Extended Process Similarity Review Panel (EPSRP) for the IDN ccTLD Fast Track Process¹⁰.

As to the standard for new gTLD applications, this has been documented in the gTLD Applicant Guidebook⁸ as referred to in the String Similarity Review paragraph.

6. We note your views on this issue.
7. The Guidelines¹⁰ are detailing specific parts of the Fast Track FIP (see section 4.3, page 17 of the FIP.) The Final Implementation Plan as published was adopted by the Board, and the Guidelines are an implementation by staff as directed by the Board. The Guidelines are a supplement to the Final Implementation Plan.
8. Section 5.6.3. of the FIP describes the structure of the DNS Stability Evaluation sub-process and how the EPSRP relates procedurally to the DNS Stability Panel. The Guidelines provide additional information on the methodology, criteria and rules used by the EPSRP and, therefore, are more focused on a specific part of the DNS Stability Evaluation sub-process.

⁹ <http://blog.icann.org/2010/03/clearing-the-confusion-fast-track>

¹⁰ <http://www.icann.org/en/resources/idn/fast-track/epsrp-guidelines-04dec13-en.pdf>