

21 December 2016

Response to ICANN Board Letter concerning GNSO consideration of the policy implications of the Internationalized Registration Data (IRD) Working Group's Final Report

Steve Crocker
Chair, ICANN Board

Dear Steve,

On behalf of the GNSO Council, I am responding to your letter of 11 May 2016. I apologize for the delay in developing this response but it was necessary to take this time to gather and consider the information needed to comprehensively respond to your request.

In your letter, you asked the GNSO 'to consider the policy implications of the IRD Final report, follow up as the Council deems appropriate, and, at a minimum, forward the IRD Final report as an input to the Working Groups engaged in the Next Generation Registration Directory Services (RDS) to Replace WHOIS PDP'.

With regard to the latter request, the IRD report was forwarded to the RDS PDP Working Group for consideration during their work on 7 July 2016. With regard to the former request, we consulted with representatives from the (previously concluded) Translation and Transliteration of Contact Information (T&T) PDP Working Group, and as a result the GNSO Council concludes that:

- The IRD recommendations were, in fact, considered in the development of the T&T recommendations, and
- Those members who participated in both efforts (T&T and the IRD Expert Working Group) made a point to explicitly compare the discussions, to flag any issues that appeared to be in conflict, and bring these to the attention of both groups, and
- All discrepancies were reviewed in detail within each group, and
- The short answer to the concern of whether or not the two sets of recommendations are in conflict is, "No, they are not." A more complete, nuanced response is as follows.

The following two recommendations are intended to be equivalent:

- From the T&T: The Working Group recommends that the language(s) and script(s) supported for registrants to submit their contact information data may be chosen in accordance with gTLD-provider business models.
- From the IRD: A registry must be able to accept and store any language or script that might reasonably be expected to be used in their target market.

There is a natural tension regarding the language and script used to represent the data among all of the points from a registrant to the final display of the data, including how the data is collected by the registrar, and how it is stored by the registry. Both the T&T and the IRD working

groups recognized this and both groups agreed with full consensus that the appropriate place to anchor this preference is with the registry. The gTLD registry operator's business model will determine how it intends to serve its target registrants, and subsequently drive the decision on which language(s) and script(s) it will use to present and manage its services.

The IRD Expert Working Group went a step further in its deliberations and included the following additional recommendation:

- Registrants should only be required to input registration data in a language(s) or script(s) with which they are skilled.

The purpose of this recommendation was to mitigate any requirement that would burden registrants with special skills or requirements. The IRD recommendations are based on three foundational principles, and among these is the "User Capability Principle: the capability of the data-submitting user should be the constraining factor. Such users should not be burdened with tasks that cannot be completed under ordinary circumstances." This principle is the primary motivation for this recommendation.

Similarly, the T&T PDP Working Group found that requiring registrants to accurately translate and transliterate their contact information to a single language/script in which they are not proficient is unreasonable and impractical. This was one of the reasons cited by the Working Group, resulting in its recommendation that mandatory translation of contact information to a single common language and transliteration of contact information to a single common script is undesirable.

These four recommendations are intended to be complementary. A registry or registrar is expressly permitted to engage in any approved business model with any registrant, but it must expect that only registrants who ordinarily work with the languages and scripts supported by the registry may use the services of the registry. Some might consider this point obvious from a business perspective, but nonetheless, the IRD Expert Working Group believed this point was often overlooked in discussions of internationalization and thus chose to make it explicitly.

Finally, the third high-level requirement recommended for community consideration by the IRD Expert Working Group and identified in your letter reads:

- Unless explicitly stated otherwise, all data elements should be tagged with the languages/scripts in use, and this information should always be available with the data element.

The T&T PDP Working Group reached a similar conclusion, and recommended that any WHOIS replacement system be able to store and display data fields in a manner that allows for easy identification of what the different data entries represent, and what language(s)/script(s) have been used by the registrant.

As a result, the GNSO concludes there is no conflict between these sets of recommendations, and as such recommends that the T&T Implementation Review Team (IRT) factors in the IRD

Expert Working Group recommendations as part of their implementation efforts. However, should the T&T IRT find that there are policy implications resulting from the IRD Expert Working Group recommendations, we would refer them to existing mechanisms for the IRT to flag these and submit them to the GNSO Council for appropriate action.

If there are no objections or further questions from the ICANN Board on this approach, I propose that I share this communication with the T&T IRT for their information.

Best regards,

James Bladel
GNSO Chair