

Report of Public Comments

Title: Annual IDN ccTLD Fast Track Process Review									
Publication Date:	17 March, 2015								
Prepared By:	Sarmad Hussain								
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Comment Period:</td> <td style="width: 50%;">Important Information Links</td> </tr> <tr> <td>Comment Open Date: 15 January 2015</td> <td>Announcement</td> </tr> <tr> <td>Comment Close Date: 24 February 2015</td> <td>Public Comment Box</td> </tr> <tr> <td></td> <td>View Comments Submitted</td> </tr> </table>		Comment Period:	Important Information Links	Comment Open Date: 15 January 2015	Announcement	Comment Close Date: 24 February 2015	Public Comment Box		View Comments Submitted
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Staff Contact: Sarmad Hussain	Email: sarmad.hussain@icann.org								
Section I: General Overview and Next Steps									
<p>The IDN ccTLD Fast Track Process has completed another year of operation in November 2014. The Final Implementation Plan for the IDN ccTLD Fast Track Process (FIP) requires the process to undergo an annual review. Since the last review, the Extended Process Similarity Review Panel (EPSRP) has been formed and has published the results of its first set of evaluations. In addition there have been other developments which may also be relevant in the context of the Fast Track Process for the IDN ccTLDs: the New gTLD Collision Occurrence Management plan has been rolled out; the Maximal Starting Repertoire (MSR) has been published and Generation Panels have been working to develop proposals for the Label Generation Ruleset (LGR) for the Root Zone; and, specifications have also been developed to represent the MSR and the LGR in a machine-readable format.</p> <p>Based on the process proposed in the Final Implementation Plan of the IDN ccTLD Fast Track Process (FIP), after receiving the public comments, “Staff will review the received feedback. Based on the feedback, a recommended approach for revision will be developed and released for public comments. An update of the proposal will be issued following the second round of received public comments. The updated proposal will be provided to the ICANN Board for their consideration.”</p> <p>The current feedback will also inform the proposed IDN ccTLD policy, currently under consideration. Once this policy is implemented, the IDN ccTLD Fast Track Process will be replaced by the new process proposed in this IDN ccTLD policy.</p>									
Section II: Contributors									
<p><i>At the time this report was prepared, a total of [number] (n) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor’s initials.</i></p>									
Organizations and Groups:									
Name	Submitted by	Initials							
EURid	Giovanni Seppia	GS							

Individuals:

Name	Affiliation (if provided)	Initials

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

ICANN thanks EURid for its detailed comments for the review of FIP.

GS has raised multiple points in the context of the Final Implementation Plan for the IDN ccTLD Fast Track Process (FIP), as summarized below.

In the context of **String Similarity evaluation**, It is suggested that the criteria for it in FIP does not specifically list two-letter combinations of ISO 646-BV but the additional Guidelines for EPSRP do. So the criteria are not consistent across them. Further, FIP should be amended to determine string similarity only against reserved labels, applied-for and existing TLD strings and not all possible two-letter combinations of ISO 646-BV. For string similarity evaluation, though upper case may be considered for completeness and rigor, it should be a secondary factor and lowercase should be the primary consideration, and where a conflict occurs, lower case should prevail. This reflects technical requirements of IDNA2008 and existing practice of using lowercase for presentation of domains.

GS notes that It is not clear whether the results of the complex **EPSRP methodology** are more or less accurate than the different process undertaken for the gTLD string similarity evaluations. There are additional issues in the methodology, which include the effectiveness of the sample size of respondents, whether their linguistic, socio-economic and geographic homogeneity can represent the general internet population for this experiment, and if the research team worked independently from evaluators. GS also questions whether Latin script anchor sets for the data and the delayed match-to-sample test bias the evaluation against IDN labels.

While talking in the context of **policy**, GS also points out that the test for visual confusion excludes relevant factors, including context. Case law in trade mark infringement makes clear that consumer confusion between two branded products or services will depend on numerous factors. For domain name, the script of the second level string is likely to be relevant. There needs to be a way for evaluators to consider any factors that may mitigate possible confusion, such as registry policies. Further, a consistent approach towards string confusion across gTLD and ccTLD spaces is necessary to ensure stable and secure operation and prevent distortion of competition as between gTLDs and ccTLDs. The EPSRP methodology is different from that undertaken for new gTLD evaluations. And finally, clarification is asked in the context of IDN ccTLD policy, in relation to the Implementation plan and the EPSRP Guidelines, and if they are separate documents, which takes precedence.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

Ever since the Fast Track process was created and became operational, verification that a string is not confusingly similar to any combination of two ISO 646 BV codes used by ISO 3166-1 has been a regular practice. It was first noted in the [Final Report of IDNC WG](#) to protect the ISO 3166-1 country codes: “Verification that the proposed code can not be interpreted as any of the elements in the alpha-2 codes that is used by ISO 3166/MA (section 5.2 of ISO 3166-1:2006)” (pg. 9). This was implemented as part of the DNS Stability Panel check for string similarity, as noted in an ICANN [blog](#) from March 2010. The same criteria for string similarity evaluation has been proposed in the [Final Report IDN ccNSO Policy Development Process](#), which states that “A selected IDN ccTLD string should not be confusingly similar with: Any combination of two ISO 646 Basic Version (ISO 646-BV) characters (letter [a-z] codes)” (pg. 11). This is also consistent with the gTLD Applicant Guidebook, which states “The String Similarity Panel’s task is to identify visual string similarities that would create a probability of user confusion. The panel performs this task of assessing similarities that would lead to user confusion in ... Applied-for 2-character IDN gTLD strings against ... Any other 2-character ASCII string (to protect possible future ccTLD delegations).” (pg. 2-5). The comment that this factor may not being consistently represented in Final Implementation Plan for the IDN Fast Track Process (FIP) and associated [Guidelines for the Extended Process Similarity Review Panel \(EPSRP\) for the IDN ccTLD Fast Track Process](#) is noted. In the successive changes to the Implementation Plan, consistent use of terminology has already been improved and staff will strive to make it even more consistent, based on this review process.

The ISO 3166-1 code assignments are not fixed, but change over time. For example, an, which was assigned to Netherlands Antilles, has been transitionally reserved recently, and subsequently cw was assigned to Curacao and sx to Sint Maarten (Netherlands). As another example, ss has recently been assigned to South Sudan. The assignment of two-letter codes is managed by ISO 3166 Maintenance Agency (MA) and independent of ICANN. This assignment of a two -letter code to a country or territory by the MA, is the pre-condition for eligibility as a ccTLD. As stated in RFC 1591 “The IANA is not in the business of deciding what is and what is not a country. The selection of the ISO 3166 list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be and should not be on that list.” Further, it should be noted that ISO 3166-1 code list is not only used for eligibility as ccTLDs, but is also used for other non DNS -related and long-standing purposes, for example to designate currencies (e.g. EURO, USD, SGD, AUD, SAR, RUB, etc.), to determine nationality of the holder of a machine-readable passports, and container–shipping. This also means that these codes can only be assigned on first-come-first-served basis by ISO 3166 Management Agency and not by ICANN. Therefore, the independent, dynamic and comprehensive context of ISO 3166-1 alpha 2 codes needs to be observed. Limiting the review for string similarity only to those codes currently in use on the ISO 3166 list, as suggested,

would effectively imply a limitation/change of existing policy. Further, and for these reasons, the IDN ccTLD Fast Track, IDN ccPDP and the gTLD Applicant Guidebook have stipulated checking for string similarity against any combination of two ISO 646 Basic Version (ISO 646-BV) characters (letter [a-z] codes). The comment is noted and need for comparison with any combination of two ISO 646-BV characters will be documented more consistently in the current revision of FIP through this review process.

ICANN staff notes the comment that in string similarity evaluation, though upper case may be considered for completeness and rigor, it should be a secondary factor and lowercase should be the primary consideration, and where a conflict occurs, lower case should prevail. The aim of string similarity evaluation is to minimize end user confusion. ICANN staff will follow up to get further guidance and clarity on this aspect of string similarity evaluation from the community.

The second similarity review done by EPSRP is experimental in nature. The allowance for the EPSRP review already allows for a consideration and change from the initial string similarity review findings. The comments on the effectiveness of the methodology are noted. ICANN staff will follow up with the members of EPSRP on specific comments on the methodology and accuracy of the EPSRP experiments and findings for further improving it.

Context is not considered for string similarity evaluation in FIP. Context is also not considered for string similarity in the proposed policy developed through IDN ccPDP for future evaluation. If this is to be incorporated, the ccNSO and broader community will need to develop concrete guidance on how context will have to be used for string similarity evaluation. It is noted that inclusion of context in the similarity review may go beyond the limited scope of the ccNSO policy development process. Registration policies (for second and lower levels for (IDN) ccTLDs) are currently out of the policy scope of the ccNSO and hence ICANN. In addition it is noted that label generation rules for second and lower levels for (IDN) ccTLDs registries can change over time, and hence it is not clear how context based resolution of string similarity confusion may be ensured over time, even if it is addressed at the time of evaluation. Therefore, if the ccNSO community would like to consider this suggestion, the technical mechanism, its evaluation mechanism and its sustainable management process needs to be defined, with clear guidance for ICANN staff for implementation.

Though the desired goal is the same, i.e. secure and stable operation of the DNS, the policies are developed differently for gTLDs and ccTLDs. For example, the EPRSP process (the second review of string similarity for IDN ccTLD string evaluation) has to-date only been introduced for the IDN ccTLD Fast Track process and is not applicable in the new gTLD program, whilst some of the new gTLD processes do not apply to IDN ccTLDs, and are not part of the Fast Track methodology and proposed overall policy for the selection of IDN ccTLD strings. Also, different criteria for the selection of strings are used, for example, a fundamental requirement under the Fast Track process is that the selected string should be a meaningful representation of a country or territory name in an “official” language of that country. For new gTLDs different criteria are used. Additionally, same entities have different roles and responsibilities under the different processes, for example the role of governments with

regard to the selection of an IDN ccTLD string and delegation of that string is different compared to the role of a government in the new gTLD process. Therefore, the processes for ccTLDs and gTLDs cannot be compared.