

Staff Report of Public Comment Proceeding

TITLE: Proposed Guideline for the Second String Similarity Review Process																								
Publication Date:	8 September 2016																							
Prepared By:	Staff																							
<table border="1"> <tr> <td colspan="2">Public Comment Proceeding</td> </tr> <tr> <td>Open Date:</td> <td>20 July 2016</td> </tr> <tr> <td>Close Date:</td> <td>31 August 2016</td> </tr> <tr> <td>Staff Report Due Date:</td> <td>8 September 2016</td> </tr> </table>		Public Comment Proceeding		Open Date:	20 July 2016	Close Date:	31 August 2016	Staff Report Due Date:	8 September 2016	<table border="1"> <tr> <td colspan="2">Important Information Links</td> </tr> <tr> <td colspan="2">Announcement</td> </tr> <tr> <td colspan="2">Public Comment Proceeding</td> </tr> <tr> <td colspan="2">View Comments Submitted</td> </tr> </table>		Important Information Links		Announcement		Public Comment Proceeding		View Comments Submitted						
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Section I: General Overview and Next Steps																								
<p>ALAC, Verisign and SSAC have submitted comments shared their views. These are summarized in section III of this report. In the section IV, analysis of comments, staff has provided a description of the events, their chronology leading up to the public comment period. Based on an initial analysis and evaluation of the comments received there seems to be some misunderstanding about some events and their chronology.</p> <p>As a next step and part of its task, the WG will take the comments received and the situation that has arisen into due account and consider its next steps carefully.</p>																								
Section II: Contributors																								
<p><i>At the time this report was prepared, a total of 3 community submissions were 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> <p><u>Organizations and Groups:</u></p> <table border="1"> <thead> <tr> <th>Name</th> <th>Submitted by</th> <th>Initials</th> </tr> </thead> <tbody> <tr> <td>At-Large Advisory Committee</td> <td>At-Large staff (24 August)</td> <td>ALAC</td> </tr> <tr> <td>Verisign Inc.</td> <td>David McAuley (29 August)</td> <td>Verisign</td> </tr> <tr> <td>ICANN Security and Stability Advisory Committee</td> <td>Julie Hedlund (ICANN staff) (31 August)</td> <td>SSAC</td> </tr> </tbody> </table> <p><u>Individuals:</u></p> <table border="1"> <thead> <tr> <th>Name</th> <th>Affiliation (if provided)</th> <th>Initials</th> </tr> </thead> <tbody> <tr> <td>NA</td> <td>NA</td> <td>NA</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Name	Submitted by	Initials	At-Large Advisory Committee	At-Large staff (24 August)	ALAC	Verisign Inc.	David McAuley (29 August)	Verisign	ICANN Security and Stability Advisory Committee	Julie Hedlund (ICANN staff) (31 August)	SSAC	Name	Affiliation (if provided)	Initials	NA	NA	NA			
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<p><i><u>General Disclaimer:</u> This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the</i></p>																								

summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted: <https://forum.icann.org/lists/comments-proposed-epsrp-guidelines-20jul16/>).

ALAC

ALAC strongly supports the observations specified by the Working Group around confusing similarity of IDN ccTLDs.

ALAC in agreement with the working Group's "suggested way forward":
Clear, consistent set of rules should be in place and applied to both ccTLDs and gTLDs.

IDN ccTLD Fast Track process should be amended to take into account a set of guiding principles listed in the documents.

ALAC believes that the proposed guidelines will help promote linguistic diversity, mitigate risk of user confusion, and preserve and ensure the security, stability, and interoperability of the DNS.

Verisign

IDNs are important to ensure broad, global access to the Internet. Every effort should be made to ensure they are appropriately treated, which would include, among others, having due regard for RFC 6912. It is trusted that the proposed guidelines and refinements by the WG EPSRP will aid the string similarity review process they will serve.

It is observed that in this and other processes IDN TLDs (whether gTLD or ccTLD) should be treated equivalently, except and only for those facets of the process that relate to ccTLDs strictly because and to the extent of their country code nature.

SSAC

Preface

The SSAC comment submitted as SAC 084, comment to the Board, the ICANN Community, and, more broadly, the Internet community. Comment focuses on Extended Process Similarity Review Panel (EPSRP), and some very basic issues exposed in review of the proposed guidelines (for the EPSRP)

Design Principles

SSAC refers to the Design Principles described in RFC 6912 (added comment: April 2013). SSAC believes that in particular the following 3 principles from RFC 6912, and as restated by SSAC, also apply to decisions concerning the inclusion of IDN labels in the root zone:

- Conservatism Principle
- Inclusion Principle
- Stability Principle

Adherence to these principles is critical for continued interoperability and stability of the DNS root zone and deviation would increase the risk of root zone instability.

It is stated that these principles have been reflected in ICANN IDN guidelines in place for a decade, and as overall principles for IDN ccNSO Policy Development Process (Staff comment: 2007- 2013). Conservatism principle was also cornerstone to the IDN ccTLD Fast Track Process (November 2013).

EPSRP

According to SSAC the adherence to listed principles (by the DNS Stability Panel) led to rejection of IDN (cc)TLD application from Bulgaria and Greece by the IDN ccTLD Fast Track DNS Stability Panel. This resulted then in the initiation of a Policy Development Process by the ccNSO, and to a Board approval on 5 November 2014 (note: the footnote refers to Board Decision 5 November 2013).

Following, the original process was changed and the EPSRP added. This EPSRP could apply different criteria to the string similarity review, which were based on the following “guiding principles”:

- ccTLD policy is determined locally
- IDN Application free choice of linguistic community. IDN evaluation should do everything to facilitate request
- If application is rejected, process should allow applicant to suggest mitigating measures
- Choose a pragmatic approach
- Where a split recommendation (between upper and lower case) , lower case shall prevail

SSAC notes that are diametrically opposed to the 3 principles listed above and the apparent intention of the EPSRP was to create a way to bypass the 3 principles. This assumption is strongly reinforced by the new guidelines, which focus almost exclusively on distinction between “uppercase” and “lowercase” letter. Which only exists for only two of the many writing systems.

Issue

Underlying difficulty with all IDN’s is that Internet domain naming does not work like natural language. This is reason why conservative approach was adopted as principle to approve new IDN TLDs. EPSRP has not solved any part, it is simply a way around original criteria

Findings

SSAC finds observation document focuses on detailed timelines and process driven steps is not feasible. It disregards the complexities involved in evaluation of labels that may require extensive study and analyses to reach a conclusion. This is diametrically opposed to ICANN’s mission.

Recommendation

SSAC recommends the Board not to accept proposed guidelines. The Board should request a review of the EPSRP to determine why its proposed guidelines do not respect the aforementioned principles.

Section IV: Analysis of Comments

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

ALAC, Verisign and SSAC have submitted their comments and shared their views. As part of the process and in accordance with the charter, the members of the WG EPSRP will review all the comments received for further consideration and decisions on next steps.

Based on the comments received it seems there are some misunderstandings about the events that determined the creation of the Extended Process Review Similarity Review Panel (EPSRP), as well as about the role and scope of the ccNSO WG EPSRP, including its tasks to develop new guidelines.

As this is a staff analysis, it will be limited to a clarification to the events leading up to the 25 June 2016 Board request and ccNSO response. The Board request was that *"the ccNSO, in consultation with other stakeholders, including GAC and SSAC, (to) provide further guidance on and refinement of the methodology of second string similarity review process, including the interpretation of its split recommendations, to be applied to the relevant current and subsequent cases in the IDN ccTLD Fast Track process as well as to inform the proposed policy for the selection of the IDN ccTLD strings."*

ccNSP PDP on IDN ccTLDs

In October 2007 the ccNSO Council launched the second ccNSO policy development process on the overall policy for IDN ccTLD strings (<https://ccnso.icann.org/meetings/losangeles/ccnso-council-minutes-31oct07.pdf>). In this PDP two major topics were addressed: the selection of IDN ccTLD strings (WG 1) and the inclusion of IDN ccTLD in the ccNSO (WG 2). In September 2013 the Board Report was submitted in September 2013 (see: <https://ccnso.icann.org/announcements/announcement-26sep13-en.htm>) and the Board acknowledged receipt in October 2013, (<https://www.icann.org/resources/board-material/agenda-2013-10-23-en>). In terms of the ccNSO PDP it still awaits Board discussion. This is pending the outcome on the discussion on the EPSRP, which was introduced on an experimental basis in June 2013, (following the request and advise of the ccNSO and GAC, see Board resolution June 2013: <https://www.icann.org/resources/board-material/minutes-2013-06-27-en#2.b>) and launched in December 2013.

IDN ccTLD Fast Track Process

It was clear from the start that the ccNSO Policy Development Process would take several years. In order to meet pressing demands from linguistic groups and the need to be able to experiment with a methodology, the ICANN community supported the launch of an intermediate solution i.e. the launch of process to develop a methodology for the selection of IDN ccTLD strings. This process was launched in November 2007 by the ICANN Board of Directors would (see: https://www.icann.org/resources/board-material/resolutions-2007-11-02-en#_Toc55609363). The proposed methodology and its implementation were adopted late 2009 and launched on 16 November 2009.

The methodology as proposed by the community included some rules around the need to avoid confusing similarity of requested strings with existing TLDs or potential two-letter codes. In the implementation plan these rules were further detailed, and the criteria elaborated in a blog post dated 20 March 2010 (<https://www.icann.org/news/blog/clearing-the-confusion-fast-track>). The Implementation Plan included the appointment of the DNS Stability Panel, which, among others, would conduct the confusing similarity review.

Reviews Fast Track Process

Since its launch in 2009, the Fast Track process has been subject to three (3) reviews:

The first review (22 October 2010 until 17 December 2010, and extended until January 2011(<https://www.icann.org/news/announcement-2-2010-10-22-en>)). According to the staff summary at the time, one of the themes in that review was around the transparency of decision making with respect to the confusing similarity review process (<https://forum.icann.org/lists/fast-track-review-2010/pdfdTvO5yjLZu.pdf>). This concern was not addressed at that stage.

The second review was conducted from April 2012 until 21 May 2012 (See: <https://www.icann.org/en/system/files/files/report-comments-fast-track-review-2012-04jun12-en.pdf>). According to the staff summary the confusing similarity review procedure was the main topic (see: <https://www.icann.org/en/system/files/files/report-comments-fast-track-review-2012-04jun12-en.pdf>).

The third annual review was initiated in January 2015 and ran until 24 February 2015 (see: <https://www.icann.org/public-comments/idn-ccTld-fast-track-2015-01-15-en>). Among other topics, this review focused on the viability of the Extended Process Similarity Review and methodology used (on the

introduction see below). The only comment received was on the string similarity review process (see Staff report: <https://www.icann.org/en/system/files/files/report-comments-idn-cctld-fast-track-17mar15-en.pdf>).

Extended Process Similarity Review Panel (EPSRP)

As a result of and following a presentation on the first review at the ICANN San Francisco meeting in March 2011, the ccNSO Council requested Working Group 1 under the ccNSO IDN policy development process to develop guidelines to improve the predictability of the evaluation relating to string confusion as defined in Final Implementation Plan as adopted by the ICANN Board in November 2009 (<https://ccnso.icann.org/workinggroups/minutes-council-16mar11-en.pdf>). This resulted in the first requested change of the Fast Track process in October 2011 (<https://ccnso.icann.org/workinggroups/minutes-council-26oct11-en.pdf>) and a second change request, after completion of the PDP in April 2013, which led to the introduction of the Extended Process Similarity Review (<http://archive.icann.org/en/meetings/beijing2013/bitcache/ccNSO%20Council%20Meeting%20Minutes-vid=52907&disposition=attachment&op=download.pdf>).

As noted above, the Extended Process Similarity Review was introduced in June 2013 at the request of the ccNSO, following the conclusion of the ccNSO IDN ccTLD PDP, the first and second review of the Fast Track Process and taking into account GAC advice. The review process became effective in December 2013, with the publication of the updated Fast Track Implementation Plan (November 2013), and the publication of the Guidelines for the Extended Process Similarity Panel (EPSRP) for IDN ccTLD Fast Track Process (see: <https://www.icann.org/en/system/files/files/epsrp-guidelines-04dec13-en.pdf>). The Guidelines include a description of the methodology to be used by the Panel on how to assess confusing similarity, and re-confirmed the transitional arrangement that if an IDN ccTLD string request submitted under the Fast Track Process was still in process or terminated due to non-validation of the string per confusing similarity criteria, the requester had the option to request a second and final validation review by the EPSRP.

Since the introduction of the second review procedure, the EPSRP was requested to review the findings of the DNS Stability panel with respect to 3 strings, (one in Cyrillic and two in Greek script) and published its findings in September 2014 (see: <https://www.icann.org/resources/pages/epsrp-reports-2014-10-14-en>). Accordingly, and based on the method used, the EPSRP recommended that one of the applied Greek strings in upper case should be considered confusingly similar with two two-letter codes and in lower case should not be considered confusingly similar.

ccNSO WG EPSRP

Taking into account the results of the third review, the findings of the EPSRP in particular with the cases the cases EPSRP reviewed, the ICANN Board of Directors requested the ccNSO, in consultation with other stakeholders, including GAC and SSAC, to provide further guidance on and refinement of the methodology of second string similarity review process, in particular on **the interpretation of its split recommendations** (Emphasis added, see: <https://www.icann.org/resources/board-material/resolutions-2015-06-25-en#2.a>).

In response to the Board resolution, the ccNSO Council established a working group that was limited in its scope, in accordance with the Board request, therefore with a focus on the split recommendation i.e on findings for upper- and lowercase by the EPSRP (see: EPSRP decisions September 2014). The WG has developed two documents, one with observations to record the general discussions of the WG, and one to provide further guidance and refinement of the methodology of the EPSRP as requested.