
Public Comment Summary Report

Phase 1 Initial Report on the Internationalized Domain Names EPDP

Open for Submissions Date:

Monday, 24 April 2023

Closed for Submissions Date:

Monday, 19 June 2023 (Extended from Monday, 05 June 2023)

Summary Report Due Date:

Monday, 10 July 2023 (Extended from Monday, 26 June 2023)

Category: Policy

Requester: Generic Names Supporting Organization (GNSO)

ICANN org Contact(s): policy-staff@icann.org

Open Proceeding Link: <https://www.icann.org/en/public-comment/proceeding/phase-1-initial-report-on-the-internationalized-domain-names-epdp-24-04-2023>

Outcome:

This Public Comment proceeding was initially scheduled to remain open from 24 April 2023 through 05 June 2023. The Public Comment proceeding was extended by two weeks in response to requests for additional time to submit input.

The EPDP Team received a total of 12 submissions from groups, organizations, and individuals. The EPDP Team is now beginning a thorough review of the Public Comment submissions received on this Phase 1 Initial Report and will consider whether any changes need to be made to its preliminary recommendations.

Section 1: What We Received Input On

The EPDP Team sought input on its sixty-eight (68) preliminary recommendations, which focus on Phase 1 questions included in the EPDP Team's charter on the following topics:

- Topic A: Consistent definition and technical utilization of the Root Zone Label Generation Rules (RZ-LGR)
- Topic B: "Same entity" at the top-level
- Topic D: Adjustments in registry agreement, registry service, registry transition process, and other processes/procedures related to the domain name lifecycle

- Topic E: Adjustments to string similarity review, objection process, string contention resolution, reserved strings, and other policies and procedures

This Phase 1 Initial Report covers topics related to the top-level IDN variant gTLDs. The EPDP Team is expected to deliberate on second level IDN variant management issues during Phase 2.

The Public Comment proceeding was presented as a series of structured questions and provided an opportunity for respondents to provide general submissions. The EPDP Team requested that responses to the questions include detailed rationale to support further analysis of the relevant issues.

Section 2: Submissions

Organizations and Groups:		
Name	Submitted by	Initials
PointQuebec	Louis Houle; and Claude Menard; and Normand Fortier	
Governmental Advisory Committee (GAC)	Robert Hoggarth	
ICANN org	Michael Karakash	
At-Large Advisory Committee (ALAC)	Policy staff in support of the ALAC	
Amadeu Abril i Abril, Chief Policy Advisor of CORE Association	Nacho Amadoz	
Business Constituency (BC)	BC	
Registries Stakeholder Group (RySG)	RySG	
Individuals:		
Name	Affiliation (if provided)	Initials
Julius Kirimi		

Section 2a: Late Submissions

At its discretion, ICANN org accepted two late submissions, which have been appended to this summary report.

Organizations and Groups:

Name	Submitted by	Initials
Cross-Community Working Party on ICANN and Human Rights (CCWP-HR)	Ephraim Percy Kenyanito	
Registrar Stakeholder Group (RrSG)	Zoe Bonython	

Section 3: Summary of Submissions

To facilitate its review of the Public Comment submissions, the staff support team developed a Public Comment review tool, which provides a high-level assessment of the views expressed on the preliminary recommendations as well as the detailed submissions provided by each contributor. All contributions received and Public Comment review tool can be reviewed [here](#).

Section 4: Analysis of Submissions

The EPDP Team is responsible for the review and analysis of submissions and will be reviewing all submissions via the [Public Comment review tool](#) and further deliberations during meetings. Please note at the time of publication of this report, review of the submissions by the EPDP Team was in the very early stages.

In organizing the Public Comment submissions, the support staff team took note of topic areas where there is a relatively high concentration of submissions expressing concerns or proposing alternative language, which may provide an initial indication that a greater share of the EPDP Team's attention should be devoted to the corresponding preliminary recommendations. Examples of such topics include Application Submission, Administrative Check, Initial Evaluation (see Preliminary Recommendations 3.11-16), String Similarity Review (see Preliminary Recommendation 4.4), Contractual Requirements (see Preliminary Recommendations 7.5-7.9), and Delegation and Removal (see Preliminary Recommendations 8.1-8.2).

For the avoidance of doubt, the EPDP Team will carefully consider all submissions on all recommendations in the course of its Public Comment review. As such, content in the Public Comment review tool can be expected to be updated over time.

Section 5: Next Steps

Following its analysis of the Public Comments received on this Initial Report, the EPDP Team will consider whether any changes need to be made to the Phase 1 preliminary recommendations. Once the EPDP Team has considered all the Public Comments, it will conduct a formal consensus call on all of the proposed Phase 1 final recommendations before their inclusion in the Phase 1 Final Report.

After the publication of the Phase 1 Final Report, the EPDP Team is expected to resume its deliberations on Phase 2 charter questions.

Human Rights Gap Analysis for ICANN's Phase 1 Initial Report on the Internationalized Domain Names EPDP

Final Report

Ephraim Percy Kenyanito
Maryam Lee

May 2023

Acknowledgments

Many people helped with this project, and we are grateful to everyone who put in their time and effort to make it a success.

In particular, thanks to members of the Cross-Community Working Party on ICANN and Human Rights (CCWP-HR) and Non-Commercial Stakeholder Group (NCSG) for their contributions to early versions of the HRIA methodology, the Non-Commercial Stakeholder Group Policy Committee and membership, and various individual members for providing comments on earlier versions of the analysis.

About the CCWP-HR

The CCWP-HR is a multistakeholder forum currently chartered as a sub-entity of the Non-Commercial Stakeholder Group (NCSG) within the Generic Name Supporting Organisation (GNSO) but remains open to the rest of the Internet Corporation for Assigned Names and Numbers (ICANN) community for research and discussion on the relationship between human rights and global Domain Name System (DNS) coordination. This is related — but not limited — to policies, procedures, and operations, with a particular focus on ICANN's responsibility to respect human rights. The primary goal of the CCWP-HR is to provide information, facilitate dialogue, and make suggestions to ICANN Org, its Board of Directors, and the ICANN community on ways to better harmonize ICANN's policies and procedures with internationally recognized human rights laws and corporate social responsibility standards. Membership is open to any interested individual, regardless of affiliation.

About the Authors

Ephraim Percy Kenyanito is a lawyer and researcher at ARTICLE 19, where he works on censorship and business and human rights issues at the Internet infrastructure level. He is a Certified Project Management Professional (PMP), has co-chaired the CCWP-HR since June 2020, and is also an alumni member of ICANN's fellowship program, NextGen@ICANN Program, among other fellowship programs.

Maryam Lee has 10 years of experience in human rights advocacy, policy making, and capacity building to nurture a progressive society. She is trained as an educator and is passionate about development. She is currently working on business and human rights in digital spaces in an effort to harmonize human rights and technology.

Introduction

In May 2023, ICANN published the Phase 1 Initial Report on the Internationalized Domain Names Expedited Policy Development Process (EPDP).

We welcome ICANN's decision to release the document in its entirety, in line with Workstream 2 Recommendations on ICANN Transparency.

We welcome most of the recommendations in the Initial Report, but urge for amendments to make it easier for Community-based TLD strings and in order to ensure that the privacy rights of registrants are respected.

Recommendations that we support in full without amendment

1) Preliminary Recommendations 3.10, 3.12, 3.11, and 3.14:

We welcome the recommendations, as they aim to ensure that the allocation of gTLD strings is affordable, including for applicants from the Global South, and that applicants are treated on an equal basis regardless of financial capability.

2) Preliminary Recommendation 3.18:

It states, "The Reserved Names list must not be expanded to include variant labels."

We welcome the recommendation because it enables the right to free expression, including the right to information. The Reserved Names list includes names that are considered harmful to the technical operation of the Internet. Expanding the list without proper analysis or justification to include variant labels would unnecessarily limit registrants in instances where these variants do not pose a threat to the operation of the Internet.

Recommendations that we support with some amendments

1) Preliminary Recommendation 3.16:

It states, "An applicant for a Community-based TLD string and its allocatable variant label(s) is required to submit a written endorsement of its applied-for primary IDN gTLD string and applied-for allocatable variant label(s) from established institution(s) representing the community that the applicant has named."

First, the definition of "established institution" is unclear, whether this means recognition from a State entity or not. This requirement may disproportionately impact communities that are not recognized by their governments or face other barriers to legal identity. Across the world, not all communities have a single

institutional representation, and there may even be competing ones. In such instances, it is unclear how ICANN would decide which institution is "established".

We thus recommend that this section be deleted, as it would limit smaller communities with no power to get recognition from a State entity.

2) Preliminary Recommendation 8.2:

It states, "In order to encourage a positive and predictable registrant experience, a framework for developing guidelines for the management of gTLDs and their variant labels at the top-level by registries and registrars must be created during implementation."

The recommendation is not clear on who would be responsible to develop the framework and also does not give clear timelines for its development. We thus urge amendments to the recommendation to ensure that this framework is developed and agreed prior to implementation, in order to provide full information to potential applicants for gTLD strings, and also in order to ensure that this framework is developed in a multistakeholder manner with full transparency to the ICANN community.

3) Implementation Guidance 3.9:

It states, "ICANN org may conduct research that helps identify additional standards or tests that should be used to evaluate the technical and operational capability to manage the variant label set."

The Implementation Guidance does not provide any explanatory information regarding the research proposed and does not state how the outcomes of this research will be applied. Given that these outcomes may ultimately be used as a basis for approving or denying requests for variant TLD strings, this research is of significant interest to the ICANN community and has implications for the rights of registrants. We thus urge amendments to stipulate that ICANN org will communicate to the ICANN community clearly defined timeframes, processes, and opportunities for public input before engaging in any research activities under this Implementation Guidance.

Preliminary Recommendations 7.7, 7.8, 7.9, 7.12 and 7.13

We note that there are various Recommendations (Preliminary Recommendation 7.7, 7.8, 7.9, 7.12, and 7.13) which discuss Registry Transition or Change of Control process and therefore bear implications for the right to privacy.

Unfortunately, none of these recommendations are worded in accordance with internationally-recognised data protection principles. For example, Preliminary

Recommendation 7.8 states, “If the registry operator of an IDN gTLD changes its back-end registry service provider, that IDN gTLD and any delegated variant label(s) associated with that IDN gTLD must simultaneously transition to the new back-end registry service provider.” This formulation creates the risk that personal data is retained in the old registry following the transition, increasing the exposure of registrants to the potential for breaches or misuse.

We therefore urge ICANN to redraft these recommendations in full accordance with applicable data protection principles, including purpose use limitation, data retention limitation, data destruction, and secure data transfer.

Recommendations that require harmonisation.

Finally, we note that there are two Preliminary Recommendations that are contradictory. Preliminary Recommendation 7.1 states that, “future IDN gTLD along with its variant labels (if any) must be subject to one Registry Agreement”. Preliminary Recommendation 7.3 states: “Any existing IDN gTLD registry operator from the 2012 round that applies for its variant labels in the future must be required to enter into a separate, new Registry Agreement for the newly approved variant label(s), while maintaining the existing Registry Agreement for its existing IDN gTLD. “

We urge harmonization to ensure that all contracts are treated the same, whereby any existing IDN gTLD registry operator from the 2012 round that applies for its variant labels in the future will be required to amend their existing contracts to include the variant labels. This will improve transparency for registrants, particularly those who are not deeply familiar with ICANN documentation.

Conclusion

CCWP-HR is grateful to have participated in this public comment process in accordance with the November 2019 ICANN Board approval of the FOI-HR.

We welcome feedback on any aspect of this initiative and extend an open invitation to any interested individuals to get involved in the next phase of work. To become a member of the Cross-Community Working Party on ICANN and Human Rights (CCWP-HR), visit [the CCWP-HR page](#) on the ICANN Community website.

19 June 2023

RrSG Response to Phase 1 Initial Report on the Internationalized Domain Names EPDP

The Registrar Stakeholder Group (RrSG) welcomes the opportunity to provide a comment on the [Phase 1 Initial Report on the Internationalized Domain Names EPDP](#) (“EPDP-IDNs P1 Initial Report”). This is a significant undertaking by ICANN org and the ICANN community, and the RrSG appreciates the dedication of the team in reviewing this matter.

The RrSG supports the recommendations in the EPDP-IDNs P1 Initial Report, and does not have any additional feedback. The RrSG is actively participating in this EPDP, and looks forward to the Phase 2 report which will focus more on issues that will directly impact registrars and domain name registrants.

Sincerely,

Ashley Heineman
Chair, Registrar Stakeholder Group