# Public Comment Summary Report

## Draft NCAP Study 2 Report and Responses to Questions Regarding Name Collisions

**Open for Submissions Date:**
Friday, 19 January 2024

**Closed for Submissions Date:**
Wednesday, 28 February 2024

**Summary Report Due Date:**
Wednesday, 13 March 2024

**Category:** Technical

**Requester:** Other

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**Open Proceeding Link:**
https://www.icann.org/en/public-comment/proceeding/ncap-study-2-draft-report-01-19-2024

**Outcome**:
The Name Collision Analysis Project (NCAP) Discussion Group received seven (7) comments to this proceeding.

The NCAP Discussion Group has now begun a thorough review of the Public Comment submissions as it prepares its final Study 2 report and responses to the ICANN Board questions. The NCAP Discussion Group will submit its final NCAP Study 2 documents to the SSAC for its consideration. The Security and Stability Advisory Committee (SSAC) will then submit the documents to the ICANN Board along with any associated SSAC advice.

## Section 1: What We Received Input On

The Name Collision Analysis Project (NCAP) Discussion Group sought input to two documents:

1. Draft NCAP Study 2 Report
2. Detailed responses to the ICANN Board's questions regarding name collisions as outlined in resolution 2017.11.02.30 and re-affirmed in resolution 2021.03.25.13

## Section 2: Submissions

**Organizations and Groups:**

| Name | Submitted by | Initials |
|---|---|---|
| At-Large Advisory Committee | At-Large Staff | ALAC |
| Registries Stakeholder Group | Registries Stakeholder Group | RySG |
| Intellectual Property Constituency | Intellectual Property Constituency | IPC |
| Business Constituency | Business Constituency | BC |
| Com Laude | Ashley Roberts | CL |
| ICANN organization | Matt Larson | ICANN |

**Individuals:**

| Name | Affiliation (if provided) | Initials |
|---|---|---|
| Rubens Kuhl | NIC.br | RK |

# Section 3: Summary of Submissions

### Submission from At-Large Advisory Committee

The At-Large Advisory Committee (ALAC) supports the recommendations and findings provided in the draft NCAP Study 2 report and the detailed responses to the ICANN Board's questions regarding name collisions. ALAC agrees that the NCAP Study 3 Report should not proceed at this time. Furthermore, ALAC agrees with the overarching assertion that name collision is a risk management issue and supports the NCAP Discussion Group's call for an independent and neutral Technical Review Team (TRT). Additionally, ALAC agrees that the best available data should be available to the TRT when strings are being assessed.

### Submission from Registries Stakeholder Group

The Registries Stakeholder Group (RySG) encourages the ICANN Board to take into account the ICANN staff contribution and analysis of privacy issues. RySG appreciates the Board's consideration of the issue and is happy to share its expertise and experience as appropriate. RySG supports the Board maintaining momentum on these recommendations while looking for constructive and efficient ways to continue to examine the highlighted concerns.

### Submission from Intellectual Property Constituency

The Intellectual Property Constituency (IPC) provides comments on the non-technical aspects of the draft NCAP Study 2 report. The comments encourage more definitive actions including the timing of the collision review in relation to other ICANN reviews and processes, determining whether to leave a string in the root or remove it and to expedite review in order to avoid costly mitigation in the future. Further, IPC notes that any additional studies should not delay the timing of the next round.

### Submission from Rubens Kuhl

Rubens Kuhl (RK) suggests adding IPv6 support to Controlled Interruption, targeting IPv6-only hosts. RK supports doing a study with a few key operating systems to confirm the usefulness of this approach and lack of side effects before the final NCAP Study 2 report is published. RK

also notes that ICANN org's staff analysis of privacy risks makes a strong case for not adopting Visible Interruption and Notification (VIN) at all, but that Visible Interruption (VI) seems possible. As such, RK suggests that some work on VI (notably on defining possible legal basis) could increase the odds of VI making part of the final framework, and that the decision of including VI or not should be based on its merits.

### Submission from Business Constituency
The Business Constituency (BC) agrees with most of the recommendations and assessments but has some concerns and suggestions regarding the proposed risk assessment framework. BC suggests the name collision assessment should be included in the overall new generic top-level domain (gTLD) application assessment flow as early as possible to give the applicant due notice about the feasibility of the string. Furthermore, it suggests that there should be a clearer and faster process for ".brand" applicants to move through the name collision technical review. Finally, BC makes a suggestion to help mitigate the possibility of gaming.

### Submission from Com Laude
Com Laude (CL) urges the NCAP Discussion Group to attach estimated time frames to the name collision risk assessment workflow to provide some predictability for applicants. CL also asks the NCAP Discussion Group to consider advising that the risk assessment analysis commence as soon as possible after the publication of the applied-for TLDs, and certainly prior to other TLD assessment procedures such as objections and contention resolution.

### Submission from ICANN Organization
The ICANN organization (ICANN) fully supports the importance of a mitigation strategy for name collisions. ICANN has concerns about the implementability of some of the proposed recommendations in the draft NCAP Study 2 report. Furthermore, ICANN points out that should the ICANN Board decide to direct ICANN org to implement these recommendations, it is likely to have an impact on the resources needed for the next round (compared with those used in the 2012 round to mitigate name collisions) and might have an impact on the implementation timeline of the next round.

## Section 4: Analysis of Submissions
While some commenters expressed support for the draft NCAP Study 2 report as is, several commenters noted specific areas of concern, and some areas that could benefit from additional details or clarifications. These generally fall into the following categories:

**Timing and Placement of Name Collision Assessment**
IPC, BC, and CL encourage the NCAP Discussion Group to provide clarifications as to the timing and placement of the name collision assessment in the next round.

IPC notes that there is no specific recommendation in the draft NCAP Study 2 report as to whether the Name Collision Risk Assessment Framework should be applied to a particular string before or after the resolution of other evaluations and other ICANN processes such as objections and/or string contention. Given that name collision issues may be an important part of the assessment by an applicant as to whether to move forward with any given application, the IPC recommends that the NCAP Discussion Group specify in the final NCAP Study 2 report that the Name Collision Risk Assessment be conducted as soon as possible after it is determined that the applicant meets other technical and financial requirements.

BC suggests the name collision assessment should be included in the overall new gTLD application assessment flow as early as possible to give the applicant due notice about the feasibility of the string.

CL expresses concern at the lack of any estimated time frame linked to the Name Collision Risk Assessment Framework workflow, noting that it is important that applicants have some idea of how long a "typical" risk assessment is likely to take, with the understanding that if issues are discovered, the assessment may take longer. Therefore, CL urges the NCAP Discussion Group to consider attaching estimated time frames to the risk assessment workflow to provide a level of predictability for applicants.

Further, CL suggests the risk assessment process should begin as soon as possible following the publication of the applied-for TLDs in the next round, running in parallel with the application evaluation and prior to other associated processes (e.g., objections, contention resolution, etc.). CL believes this will enhance the efficiency of the overall process, helping to avoid applications being rejected on the basis of name collision issues after the applicant has already spent considerable time and resources on navigating other obstacles, such as objections.

**Privacy and Data Protection**
RK suggests the NCAP Discussion Group undertake some additional work to define a possible legal basis for VI, should it wish to include VI as part of the framework in the final NCAP Study 2 report.

ICANN notes that while VI/VIN can be useful tools for preventing conflicts, they also pose privacy risks that should be considered. This is due to the absence of a legal basis for processing personal data and lack of transparency, which raises concerns about compliance with data protection laws and potential legal consequences for entities conducting VI/VIN.

RySG encourages the ICANN Board to take ICANN's comments regarding privacy issues into account.

**".brand" TLDs**
IPC suggests that the NCAP Discussion Group consider a potential situation if a ".brand" TLD is found to collide with its own internal TLD. In such instances, there should be accommodation for that TLD operator to implement the mitigation measures that it deems necessary to alleviate any effects of such collision, if any.

BC notes the new Risk Assessment Framework as defined in the NCAP Study 2 draft report will have a significant impact, both in terms of time and cost, on applications for the second round of new gTLDs. BC suggests there should be a clearer and faster process for ".brand" applicants to move through the name collision technical review, since they will be governed by Specification 13, and thus pose a much lower risk for collision impact.

**Temporary Delegation of Strings**
IPC notes that the draft NCAP Study 2 report does not make a recommendation as to whether a string that is designated as a collision string by the Technical Review Team's (TRT) assessment after test delegation to the root (and before contract award) should be removed from the root. Specifically, this would be a removal after the initial delegation for risk purposes. IPC encourages the NCAP Discussion Group to specify a recommendation in this regard, even if

that recommendation is simply that the TRT should make the determination whether to leave the string in the root zone or remove it.

ICANN notes that recommendation five (ICANN must support the delegation of strings to improve the ability to conduct a name collision risk assessment) assumes that the TRT will be able to determine how data collected as a result of a temporary delegation could be used in a risk assessment, but the report does not give specific guidance on how the TRT would make that assessment. As a result, it would fall to the ICANN org/the TRT to figure that out, with the consequent potential impacts on cost and timeline. However, the org notes this scenario would resemble that of the 2012 round; hence, the org could likely draw upon the experience from the previous round.

ICANN also notes the operational change involved in establishing new procedures around such temporary delegation. Resources would need to be prioritized to make necessary changes to the root zone management process and systems, as well as to increase the processing capacity for root zone management in general as this would cause more root zone changes.

**Gaming**
BC expresses concern that using quantitative criteria such as the number of Domain Name System (DNS) queries received for a particular string can be used to "game" the system by forcing the classification of a noncollision string as a "Collision String" for the purpose of preventing/delaying an application and gaining an unfair competitive advantage. An important benchmark for evaluating the collision risk of a string should be the historical DNS queries that were received for that string even before it was applied. Public availability of such data can also help prospective applicants assess the strength of their application before they apply in the next round.

ICANN also expressed concerns that all potential strings for the next round are susceptible to data manipulation, so all measurements going forward (and potentially measurements from the past, as well) are likely to have large unknowable faults. ICANN notes that although it would be possible to establish and maintain a longitudinal DNS name collision repository to facilitate risk assessments and help identify potential data manipulation, the susceptibility of longitudinal data to manipulation reduces the value of the repository.

**NCAP Study 3 and Future Studies**
ALAC, IPC, BC and ICANN indicated support for the NCAP Discussion Group's recommendation 11 (ICANN should not move ahead with NCAP Study 3).

IPC notes that while considerations of name collision risk occurring in the interaction between the DNS and various alternate root environments as described in SAC 123 are out of scope for Study 2, they remain a matter of concern in the long term. IPC suggests the NCAP Discussion Group may wish to consider whether it is appropriate to recommend further study on this topic.

BC suggests two areas that merit consideration in future studies are Internationalized Domain Names (right of the Dot) on the name collision as defined now and decentralized domains (blockchain domains).

# Section 5: Next Steps
The NCAP Discussion Group will consider the input received during this Public Comment proceeding as it prepares the final NCAP Study 2 report and responses to the Board questions.

The NCAP Discussion Group will submit these documents to the SSAC for its consideration, who will in turn submit the final NCAP Study 2 documents to the ICANN Board, along with any associated SSAC advice.

The NCAP Study 2 work is a dependency for the next round of new gTLDs and is expected to impact the implementation of the Final Report on the new gTLD Subsequent Procedures Policy Development Process outputs related to name collisions, as noted in the New gTLD Subsequent Procedures Operational Design Assessment, and the New gTLD Program: Next Round Implementation Plan.