Public Comment Summary Report

Proposed Procedure for Selecting a Top-Level Domain String for Private Use

Open for Submissions Date:
Friday, 13 January 2023

Closed for Submissions Date:
Tuesday, 28 February 2023

Summary Report Due Date:
Monday, 27 March 2023 (Extended from Friday, 24 March 2023)

Category: Policy

Requester: ICANN org

ICANN org Contact(s): andrew.mcconachie@icann.org, kim.davies@iana.org

Open Proceeding Link:
https://www.icann.org/en/public-comment/proceeding/proposed-procedure-for-selecting-a-top-level-domain-string-for-private-use-13-01-2023

Outcome:

In total eight (8) submissions were received: six (6) from organizations and groups, and two (2) from individuals.

The comments are each briefly summarized, and an analysis is provided for each. This Public Comment summary report includes the ICANN org staff summary of the comments and observations on the topics raised by the submitters in relation to the proposed procedure.

In accordance with the associated ICANN Board resolution, ICANN org will analyze the comments received and provide feedback to the ICANN Board of Directors on recommended next steps.

Section 1: What We Received Input On

In September 2020 the SSAC published SAC113: SSAC Advisory on Private-Use TLDs, recommending that the ICANN Board ensure a string is identified and reserved at the top level of the DNS for private use. The ICANN Board subsequently directed staff to hold a Public Comment proceeding on a proposed procedure for implementing this recommendation. ICANN org is explicitly not seeking input on possible strings that meet the criteria in SAC113 during this

proceeding.

Section 2: Submissions

Organizations and Groups:

Name	Submitted by	Initials
NIC United Kingdom of Great Britain and Northern Ireland	Andrew Hallfamn	UKGBNI
Intellectual Property Constituency	N/A	IPC
Security and Stability Advisory Committee	N/A	SSAC
Registries Stakeholder Group	N/A	RySG
Business Constituency	N/A	BC
Governmental Advisory Committee	Benedetta Rossi	GAC

Individuals:

Name	Affiliation (if provided)	Initials
Keith Gaughan	N/A	Gaughan
Elvira Napwora	N/A	Napwora

Section 3: Summary of Submissions

- Procedure needs to provide for direct comment on the candidate string itself and/or ability to re-evaluate selection criteria (RySG, IPC, Napwora, GAC)
- Not appropriate for potentially subjective assessments to be made by IANA (RySG)
- Add an additional evaluation criteria (beyond those provided in SAC113) to evaluate impact on potential future TLDs that may be confusingly similar (RySG)
- A step should be added to perform a trademark search prior to selection of the candidate string (IPC)
- Provide greater specificity into how the internal selection process will be conducted (BC, SSAC, GAC)
- Timely implementation of SAC113 to bring the long-standing underlying issue to a resolution (BC)
- Supports the overall proposed procedure (BC)
- Procedure needs to make the case why the proposed process is necessary and why a dedicated string for private use is needed (IPC)
- Suggestions on which specific strings that the procedure should choose (UKGBNI, Gaughan)

Section 4: Analysis of Submissions

Theme	Evaluation/Response
Provide for an additional round of Public Comment on selected string, above and beyond whether criteria are fulfilled	The procedure is designed to balance community input, while moving forward with concrete implementation. It is recognized there are many different subjective opinions when it comes to string selection and this process is designed to implement appropriate safeguards while not protracting the identification of a private-use string unnecessarily. The second Public Comment proceeding is intended to provide an avenue to identify if the process was unsuccessfully applied. Comments will be welcome on the candidate string if it is deemed it does not meet the stated requirements. The constraints are intended to avoid disputes over mere preference between different candidate strings that otherwise meet the identified criteria.
Appropriateness of IANA department to implement procedure	ICANN org identified the IANA department to lead this activity as it is well aligned with its typical daily duties to operationalize assignments of unique identifiers within the parameters of community-defined policies and mandates. A cross-functional project team involving representatives from other departments in ICANN org are also involved in the process.
Add evaluation criteria relating to potential conflicts with future TLDs	ICANN notes that the SAC113 recommendation only refers to confusability with existing strings. ICANN has practical concerns that the set of potential future TLDs is excessively large and that it would not be practical to perform such an assessment.
Perform a trademark search as part of the procedure	While additional due diligence on the string could potentially be performed, ICANN does not believe that conducting a comprehensive global trademark search is warranted for a number of reasons, including because a search is unlikely to yield any candidate string that meets all SAC113 criteria and is not in some form of existing usage in other fields. Specific concerns about the candidate string, such as by a trademark holder, can be communicated during the second Public Comment proceeding.

Provide specificity on the staff selection process	ICANN is tasked with the neutral application of community-developed policies and intends to develop a set of candidate strings through an internal evaluation process. ICANN expects to draw from its multi-disciplinary expertise and involvement in related discussions over many years to evaluate these strings, and to engage community groups where areas of clarification or concern arise. We note that the SAC113 recommendation did not provide more specific guidance than the identified selection criteria, and it is common for ICANN to make implementation decisions within community-defined parameters where the guidance is otherwise not explicit.
Timely implementation of the procedure	The proposed procedure is intended to bring the implementation of a private-use TLD to conclusion, while providing for multi-stakeholder input to confirm that the recommendation has been implemented appropriately.
Make the case for why this procedure is needed	SSAC has recommended, and ICANN has adopted the recommendation, to implement a private-use TLD that will not appear in the root zone. We note the requirement that the label needs to be meaningful, which is interpreted to be in a manner that self-documents its purpose and is "simple and intuitive". We note that there are no existing labels reserved by IANA for a private-use purpose that meets the SAC113 criteria today.
Providing specific candidate strings	These inputs are expressly beyond the scope of this consultation, which is limited to evaluation of the selection procedure.
Add evaluation criteria for confusing similarity, memorability, and meaningfulness.	During its review, IANA plans to perform a structured evaluation that will seek to identify potential meaningfulness and confusability across multiple languages. Memorability is subjective, but is likely aided by brevity, so lengthy labels may be considered less undesirable. If there is a view that the candidate string does not meet the SAC113 criteria, that can be identified during the second Public Comment proceeding.

Section 5: Next Steps

In accordance with the associated ICANN Board resolution, ICANN org will analyze the comments received and provide feedback to the ICANN Board of Directors on recommended next steps.

Distribution	Public
Date	3 March 2023

Governmental Advisory Committee Comment on Proposed Procedure for Selecting a Top-Level Domain String for Private Use

The Governmental Advisory Committee (GAC) appreciates the opportunity to comment on the Proposed Procedure for Selecting a Top-Level Domain String for Private Use, following the SSAC's publishing of SAC113 SSAC Advisory on Private-Use TLDs.

The GAC wishes to focus comments on two sections of the proposed procedure:
- Item 2: Selection
- Item 4: Public Comment Proceeding for the String

Under Item 2. Selection, the [Proposed Procedure for Selecting a Top-Level Domain String for Private Use](#) states:

"IANA will develop a set of candidate strings, where each string in the set is considered to match all four criteria. From this set, a preferred candidate will be identified through deliberation within an internal evaluation team. Should any issues emerge with assessing the potential suitability of the candidates, IANA intends to consult with any relevant expertise to inform its decision making."

The GAC recommends including some clarifications related to:

1. How would the internal evaluation team be formed? Are the same individuals developing a set of strings, then deliberating and evaluating?

2. The GAC wishes clarification regarding where the relevant expertise would be coming from, i.e. from outside ICANN?

Under Item 4. Public Comment Proceeding for the String, the Proposed Procedure for Selecting a Top-Level Domain String for Private Use states:

"ICANN org will hold a Public Comment proceeding on the draft selection document. The proceeding will ask the community to verify that IANA followed the process given in the final version of this document in making its choice. Commentary on the string itself will be out of scope for the Public Comment proceeding."

The GAC notes that the public consultation appears to only be on the **process** for having chosen a name rather than on the **name** of the string itself.

Especially insofar as SSAC 113 states the "understanding that all names in this namespace will never be resolvable in the public Internet, and will not collide with existing or future delegated TLDs in the global DNS" the GAC notes that the proposed name designation itself may indeed raise concerns within the ICANN community (in particular future .brand applicants) and warrants input via a public consultation.

The GAC encourages the process drafters to consider providing an opportunity for public comment on the proposed string.

The GAC conveys its thanks for the opportunity to provide input on this Proposed Procedure for Selecting a Top Level Domain String for Private Use and looks forward to further engagement with the SSAC on this matter moving forward.

###