

# **CNNIC's Comments on New GTLD RFP V2**

## **Three characters limitation**

We noticed that in Section 2.1.1.3.2 String Requirement (Module 2), the restriction on the length of an IDN TLD has not been lifted. Which still requires an IDN TLD must have more than two visually distinguished characters, although there is a remark that welcomes further comments.

We found this policy has not been coherent with the GNSO New GTLD principle regarding IDN TLDs, which states:

[For Single and Two Character IDN strings at all levels,] Single and two-character U-labels on the top level and second level of a domain name should not be restricted in general. At the top level, requested strings should be analyzed on a case-by-case basis in the new gTLD process depending on the script and language used in order to determine whether the string should be granted for allocation in the DNS.

If the original intend was to avoid confusions with the 2 letter ccTLD, we think this may not be effective based on the following reasons.

1. The restriction on the length of IDN ccTLD will not limit it in two characters (the current 64 letter punycode length limit will allow IDN characters to be more than 3, and also allow just 1 character). This is mainly due to some countries' or territories' names are just not meaningful by using two characters.
2. There is already a string confusion check mechanism in place to avoid confusions. That mechanism not only works effectively with Latin-based scripts, but also works well with non-Latin based script such as Chinese, Japanese, Korean, Persian, Tamil and etc. although they may not likely to cause visual confusion of current ccTLD. And even they do, they will be checked against and will be rejected.

Indeed, we think this requirement can seriously impact the interests of many users. In a real life case, the case of Chinese IDN TLDs, the limitation to 3 or more Chinese characters would be a substantial deterrent for the adoption of Chinese TLD, because most meaningful Chinese words are composed only by 2 Chinese characters. This requirement can harm the interests of more than 300 million Chinese speaking Internet users.

Thus, we respectfully urge ICANN to follow the GNSO principle recommendations, to lifted the restriction or modify the clause to make it become script specific.

## **Objection based on similar meaning**

In Section 3.4.2 Legal Rights Objection, there is an added clause which will allow a Legal Right holder to raise objections based on:

“Whether the applied-for gTLD is identical or similar, including in appearance, phonetic sound or meaning, to the objector's existing mark.”

We certainly appreciate the effort that ICANN is making to preserve Mark-holders' rights, and it's all agreed that avoiding user confusion is important. However, we would like to point out, if ICANN allow such an objection base, IDN TLDs in other languages that corresponding to the current ASCII gTLD will be blocked out of the process. Thus, this policy may bring unfairness to IDN applicants, and potentially harm the interests of users in other language communities. They may be under served if a current ASCII TLD manager decides not to introduce service in their language. This is obviously incoherent with ICANN's principles of promoting competition and respecting cultures of different countries and territories.

Thus, we recommend ICANN that the "similar meaning" clause should not be applied across different languages but to limit it within the same language.

### **Other recommendations regarding IDN TLD**

In overview of the guidebook, even the guidebook has setup a dedicated section for IDN, but considering non-English speaking users have a significant stake in an IDN TLD which is in their language/script, their interests should be respected in the evaluation of an IDN TLD. Thus, we propose to further many requirements in the guidebook to address the specialness of the IDN application.

1. To ensure IDN being appropriately evaluated, it's suggested that expert panels for all evaluation processes of an IDN TLD application must consist expert from local language community. That including panelists involve in initial evaluation, extended evaluation, comparative evaluation, and dispute resolution.
2. In Module 5, the draft contract states in Section 5.2 that the language of arbitration will only be English. When considering in this new round of the new GTLDs, applicants are from all around the world. Especially, IDN applicants are likely from non-English speaking countries. Although certainly level of English capacity is a must, such a restrain may significantly disadvantage those applicants. And further, degrading the efforts made by ICANN to become a truly global organization. Thus we suggest that ICANN, in this process, should support at least the five official UN languages.
3. In section 2.1.1.3.2 "String Requirements", under the clauses of "Requirements for Internationalized Domain Names", we propose to add the following requirement.  
"Applicant must demonstrate proof of support or non-objection from governments or public authorities of a country or territory, if the applied the string is in the language/script that the residents of that country or territory composed of super majority of the users that are using that language/script in the world."