

Country Code Names Supporting Organization

Comments on Review of IDN ccTLD Fast Track Process

14 January 2011

The ccNSO Council welcomes the opportunity to provide commentary as part of the one-year review of the IDN ccTLD Fast Track process.

As a general observation, the ccNSO Council notes the success of the IDN ccTLD fast track, with over 30 string requests and 15 IDN ccTLDs added into the root in the first year of operation. This success can be directly attributed to the effective and efficient collaboration between a range of stakeholders during the development of policy frameworks for the process.

The ccNSO Council notes the range of topics raised by ICANN staff to facilitate discussion during the review. In particular, the ccNSO Council would like to comment on the following issues (ICANN staff topics italicised):

***Transparency:** The published policy document states that requests are only published when they have successfully passed through the String Evaluation portion of the process. Before then ICANN publishes only the total number of received requests, the status the requests are in and the corresponding number of languages. In this published material there is no regarding the countries and territories requesting the TLD, nor any details of the requests' contents.*

- 1. This is very useful from the perspective that in some cases the requester wishes to keep the request confidential, and in other cases ICANN has received requests that are not valid and do not fulfill the established requirements.*
- 2. To a certain extent, the process is not completely open and transparent. A lot of end-user inquiries have been received about which countries and territories ICANN has received requests from, which we have not been able to adequately respond to. Further, in comparison, the gTLD process will publish received requests (minus selected confidential information) after the administrative review that takes place immediately after the close of an application round.*

ccNSO Council comment:

The ccNSO Council appreciates and supports the need for appropriate levels of transparency in ICANN policy and implementation processes. However, the preliminary stages of the fast track require applicants to meet a number of technical and policy requirements, before the application can proceed. This includes appropriate engagement with, and support from, relevant public authorities. The potential exists for a number of delays or complications prior to the application passing through the String Evaluation stage that may have political or cultural implications. Maintaining confidentiality at this stage allows applicants to resolve issues of public authority- or community- support without undue politicisation of the process.

Furthermore, the new gTLD process is not directly analogous to the IDN ccTLD fast track. The draft gTLD process (as currently prescribed) includes a number of objection mechanisms,

thereby warranting the publication of application information as soon as practicable. These sorts of objection mechanisms do not apply to the IDN ccTLD fast track process.

Community support: *The policy document requires demonstration of Internet community support for the applied-for TLD string. The notion of community support and the requirement for documenting such has been a topic of discussion since the launch of the process. While examples and descriptions of what this support could entail, the Final Implementation Plan does not specify exactly the amount or detail of how one can demonstrate community support. The policy reason behind this is that the approach is different depending on geographic location, culture, and other developments in the respective countries and territories. All such different approaches are valid and appropriate to the Fast Track Process.*

The following issues have been raised, that may be appropriate for discussion in this review:

- *Some do not agree with the need for community support documentation and do not understand the difference between the type of support for the string (to be established in the String Evaluation) and the type of the support for the ccTLD manager (to be established in the Delegation evaluation).*
- *Some do not find it necessary to demonstrate community support for the string nor the manager. The reason being that such decisions can be made by government entities, and the need for support undermines the authority of the government in the country or territory.*

ccNSO Council comment:

In addition to the 2 bullet points above, some applicants, while they agree to the necessity of demonstrating community support, claim the need to know more clearly how they can demonstrate such support.

Requirements for support of the string and ccTLD manager are in no way meant to undermine the authority of the government in the country or territory. The ccNSO Council acknowledges that it is unlikely that two IDN ccTLD applications received under the fast track process will be identical in terms of cultural, social and political background.

It is for this reason that the policy documentation supporting the process was intentionally broad in its description of requirements for community support, string support, and manager support. Each support element serves a different purpose in terms of clarifying that the string is relevant to the community to which it is intended to serve, meaningful, and operated by an entity that can ensure the stable, appropriately representative operation of the applied-for IDN ccTLD. As such, they are all relevant elements of the fast track process, though will not necessarily be fulfilled in the same way by all applicants.

IDN tables: *Historically the content of IDN Tables has not been evaluated and approved in any way or form by ICANN. This includes the IDN tables provided in the Fast Track Process. Staff does review the received tables in very limited capacity and only in relation to for example*

potential/obvious errors and to what extent the tables fulfill the requirements of the IDN Guidelines.

However there has been a discussion in the community that requesters should simply send in or refer to other IDN tables (that have already “passed through” the system) and in that way their lack of a table will not delay the processing of the IDN ccTLD request. Such behavior opens the discussion of whether there should be better or other types of checks in place to review the received IDN tables.

The responsibility of serving the community in the best possible way (and most secure way) by having measures in place with these IDN tables, including sufficient variant identification and registration rules, which is intended to avoid user confusion as much as possible is a responsibility primarily of the TLD registry. The question is, as we open up for more IDNs and IDNs generally at the top level, if additional rules should be in place.

ccNSO Council comment:

The ccNSO Council strongly believes that the issue of IDN table assessment is a policy issue, not appropriately addressed during ICANN staff implementation processes. As such, consideration of additional potential measures to “check” received IDN tables is a matter that would require policy review and amendment, not addenda to current implementation procedures. As noted by ICANN staff, the responsibility of serving the community in the best possible way (and most secure way) by having measures in place with these IDN tables, is a responsibility primarily of the TLD registry.

The ccNSO Council is also of the view that if additional measures to “check” IDN Tables are introduced, they should be consistent and applied uniformly to IDN tables submitted either as part of the Fast Track process, or received by IANA under IANA’s IDN Repository Procedures. According to these procedures: *“The IANA Repository of TLD IDN Practices will not maintain the content of the IDN Tables and is hence not responsible for their accuracy.”* The ccNSO Council notes that the IDNC WG has recommended, and under the Implementation Plan the option is provided that, an applicant may refer to an IDN Table that is registered with IANA to fulfil the Fast Track process requirement to submit an IDN Table.

The ccNSO Council notes that in the Implementation plan and application form it is stated that: *“The usability of IDNs may be limited, as not all application software is capable of working with IDNs. It is up to each application developer to decide whether or not they wish to support IDNs. This can include, for example, browsers, email clients, and sites where you sign up for a service or purchase a product and in that process need to enter an email address.”* By introducing additional measures ICANN may give the impression the issue may be resolved and ICANN has a role to play in resolving the issues.

Disputes: *No controversial strings have been considered at this stage. As such, no disputes between requesters from different territories and countries have been experienced. Disputes between requesters from the same country or territory needing to deal with and decide locally which requests proceeds seems to be working adequately at this stage. The approach to date is*

that there needs to be agreement within a country or territory before a fast Track request can be processed.

It might be useful to have a discussion about what action, if any, ICANN should take in situation where one part of a government or relevant public authority provides the necessary support documentation for an IDN ccTLD request, but another part of the same government or public authority states an opinion which could be considered opposite. This situation could occur during String Evaluation, String Delegation or post delegation

ccNSO Council comment:

The ccNSO Council believes that this issue is a policy issue and as such should not be addressed through an amendment of existing implementation rules and procedures.

Confusingly similar string: *Some issues have arisen out of requested strings that are confusingly similar to existing strings and/or other requested-strings. The confusability is determined by the DNS Stability panel, which works well, although there is some cases has been demonstrated different opinions on whether a string is confusingly similar or not. Staff believes that the DNS Stability Panel working guidelines are adequate as they supply a careful approach to what strings are approved as TLDs, especially due to the limited nature of the Fast Track Process. Nonetheless this has been raised as a topic of discussion.*

ccNSO Council comment:

The ccNSO Council concurs with the view of staff that no additional mechanisms or guidelines are needed.

Objection/re-evaluation rights: *It has been noted by the community that there are no re-evaluation or objection mechanism for declined IDN ccTLD requests. The primary reason for this is that the Fast Track Process is considered an interim process, short-termed for those countries and territories where there is no controversy with implementing IDN ccTLDs. As such if there are any disputes or issues coming up through the evaluation, such should be referred to the coming long-term process for IDN ccTLDs. The long-term process is currently in the policy developed phase in the ccNSO. Question is if the Fast Track Process should be expanded to include such options, or if it should stay in its limited capacity.*

ccNSO Council comment:

The ccNSO Council believes that an expansion of the Fast Track process as suggested - to include objection/ re-evaluation rights – is a fundamental change in the Fast Track process and as such should not be addressed through an amendment of existing implementation rules and procedures. Secondly, including such an option for the string evaluation stage would increase the risk of undue politicisation of the process, as this would most likely require an adjustment of the current balance between the level of confidentiality and transparency (see comments on Transparency) and could also jeopardize the independence of the external reviewers. The ccNSO

Council also notes that to the extent disputes or issues are the result of ICANN (staff) decisions the current, established processes for reconsideration and independent review of ICANN actions are applicable and available.

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