Public Comment Analysis
Proposed Implementation Plan: Synchronized IDN ccTLDs

The Proposed Implementation Plan for Synchronized IDN ccTLDs was posted for public comments from 22 March – 17 April 2010.

A total of 16 comments were received in the public comment forum [http://icann.org/en/public-comment/#synch], and in addition two webinars were conducted to allow for additional interaction with the community. The recordings of the webinars are available here: http://icann.org/en/public-comment/#synch.

The comments received focus primarily on supporting the intent behind the Proposed Implementation Plan, as well as stating that the terminology selected for use in the plan is confusing and should be clarified.

An initial attempt to provide clarifications was provided by ICANN in an announcement on 8 April 2010, including a set of Questions and Answers: http://icann.org/en/announcements/announcement-2-08apr10-en.htm .

This document contains a summary of and the staff analysis and feedback on the comments submitted.

ICANN would like to take this opportunity to thank all those who submitted public comments and participated in the webinars. All feedback provided has been very helpful and resulted in the staff recommendations for changes in the Proposed Implementation Plan for Synchronized IDN ccTLDs. These staff recommendations are being provided to the ICANN Board for consideration.

The staff feedback on the comments from the webinars is available in the recordings of the webinars.

Summary of Received Comments
Ian Chiang, on behalf of the Taiwan Network Information Center (TWNIC) noted TWNIC's strong support for the proposed Implementation Plan, and provided explanation on how the proposed Plan meets the community expectation and needs. TWNIC notes that the Chinese language system, consisting of Traditional and Simplified characters, is an example of a language community which will be served by the Implementation Plan, and urges that the Plan be finalized and announced in a timely fashion.   See http://forum.icann.org/lists/sync-idn-cctlds/msg00001.html.

Kaili Kan, professor of the School of Economics & Management at the Beijing University of Posts and Telecommunicaitions, wrote to express his full support for the proposed Implementation Plan, and commented that any potential to accelerate the Plan's approval and implementation is of special benefit to the Chinese language community. Professor Kan described the use of Traditional and Simplified character sets, the differences in use among the Chinese language community, and noted the difficulty (and in some cases,

impossibility) in adjusting computer settings to allow a user to switch between the two character sets. See http://forum.icann.org/lists/sync-idn-cctlds/msg00003.html.

Jenny Dong, on behalf of HiChina (a registrar in China) wrote in support of the Plan and its potential implementation in the Chinese language IDN ccTLDs. HiChina notes the hope expressed by HiChina customers that domain names in Traditional and Simplified character sets can be used at the same time. HiChina believes that the plan will help meet the needs of its customers. http://forum.icann.org/lists/sync-idn-cctlds/msg00002.html.

John Klensin provided a detailed comment, first noting that he has no objection to the delegation of pairs of Simplified Chinese and Traditional Chinese IDN ccTLDs to China and Taiwan, based upon the implications of not having paired names, as well as the administrative policies and experience of the Chinese and Taiwanese registries. Delegation is "necessary and appropriate." Mr. Klensin's concerns focus on ICANN's dealing with complex issues in an open and transparent way. Mr. Klensin notes the confusion in terminology in the Board's resolution on synchronization, approved in Nairobi, and the continued use of terminology in the proposed Implementation Plan. The language used, he notes, masks policy as technical issues, and uses undefined terms and subjective language as technical functions. Mr. Klensin notes that there are many gaps in the experience with IDNs, and ICANN will have to learn do deal with the flaws as discovered in mature ways that do not require substantial delay or full review to address issues as they arise, such as the impact of the limitation of "one string per official language or script per country or territory" when that proves to be a poor match for language usage. In terms of internationalization, the simplistic rules of the DNS do not match well with user expectations, and ICANN needs to accept that some character sets will impose unique issues that require unique rules.

Regarding the proposed Implementation Plan, Mr. Klensin notes that the goal of the plan – as he understands it – is to enact a policy decision to permit countries with a substantial need to simultaneous register at least two IDN ccTLDs through the Fast Track process, while trying to make this appear as a technical matter – which it is not. The technical criteria set out do not work. The Board should be direct in its wording, even if it's to express that China and Taiwan should have the simultaneous delegation of names, and not try to achieve an outcome indirectly. Mr. Klensin notes the tension between the Fast Track "variant hold" and the lack of distinction between variants and the synchronized IDN ccTLDs, and that a technical solution for variants is far off. ICANN needs to get problem statements identified regarding "variants" and not use confusing language. Mr. Klensin then offers some potential solutions to allow the Board to achieve the delegation of Traditional and Simplified Chinese IDN ccTLDs to China and Taiwan, including reliance on linguistic scholarship. Mr. Klensin also offered comment on how to address the term "scripts" and the continued lack of precise definition of that term. Mr. Klensin concludes that the Implementation Plan is drafted in contravention to the ICANN's objectives, which require precision and clarity of language, and notes potential enforcement issues with the plan as drafted. Mr. Klensin requested clarification of the plan to include clear and unambiguous statements of the goals, terminology, and expectations. See http://forum.icann.org/lists/sync-idn-cctlds/msg00004.html.

Hong Xue, of the Chinese Domain Name Users Alliance, notes that the proposed Implementation Plan is an attempt to patch the insufficiency of the original Fast Track Process. The only way that IDN ccTLDs could be of use to the communities is through having use of equivalent strings, this topic was raised during consultation on the Fast Track Implementation, and lack of addressing this topic in the Fast Track Process created repercussions in the local communities. It is a positive step that this is being addressed now, but Hong Xue inquires why this was not incorporated into the implementation plan in the first place. See http://forum.icann.org/lists/sync-idn-cctlds/msg00005.html.

Zhoucai Zhang submitted a comment as an individual expert in China, and offered support for the proposed Implementation Plan. Zhang provided a description of the use of both Simplified and Traditional character sets in the Chinese language, described the anticipated usefulness of synchronized IDN ccTLDs in China, and confirmed that the Implementation Plan would help resolve an urgent need in the Chinese language community in China to allow for both character sets to be co-registered. Zhang also noted that that this could be of benefit to language communities other than Chinese. This is an important step in making IDNs available to non-latin speakers. See http://forum.icann.org/lists/sync-idn-cctlds/msg00009.html.

Hualin Qian and Shian-Shyong Tseng, on behalf of the Chinese Domain Name Consortium, expressed support for the proposed Implementation Plan and support for appropriate solutions to enable the simultaneous delegation of Simplified and Traditional Chinese language IDN ccTLDs, which is possible through the proposed Implementation Plan. From the CDNC's decade of work regarding Chinese domain name solutions, the operational experiences with Chinese domain names show that simultaneous delegation of Traditional and Simplified IDN ccTLDs will not pose any security or stability issues to the DNS. CDNC urges approval of the simultaneous delegations without delay. See http://forum.icann.org/lists/sync-idn-cctlds/msg00006.html.

Giovanni Seppia, on behalf of EURid, commented that the expectation that domain names will resolve to the same content takes ICANN into content regulation, which is beyond the ICANN scope and mandate. Further, there may be cultural/regional differences why there should be different content at the pages. This requirement is too restrictive and calls for registry review of content as well. EURid proposes that the appropriate requirement is that the registrant of the two synchronized domain names be the same, and leave the content decisions to the registrant. Sepia also noted impracticality of the technical issues with the requirement. EURid also notes that the proposed Plan required that strings not be confusingly similar, but for full effect, synchronization should allow for the delegation of confusingly similar strings for synchronized delegation, if users expect "lookalikes" to be delegated. EURid also raised the issue that it's unrealistic that the IDN ccTLD would be synchronized with the legacy ccTLD, and would require changes in registration rules. See http://forum.icann.org/lists/sync-idn-cctlds/msg00007.html.

Patrik Falstrom, in his individual capacity, recommends that ICANN stop discussing the "synchronization" of strings, and instead return to goal as stated in the IDNC Working

Group report: "there is a pressing need that Territories after they demonstrate consensus on string(s) in their area can request delegation(s) of those strings." This requires loosening the requirement for one string in each language/script, to account for local user definition of what that means, acknowledgement that there is no technical method for synchronization that is available, and that contractual enforcement is not a goal here. Mr. Falstrom suggests that clarification of the Board resolutions could achieve this goal. He bases his recommendations on his long participation in discussions on IDNs, particularly that there is no way to know what is the "same" technically, and that there are competing definitions of terms such as "language" and "script" that make it hard to impose objective rules. Mr. Falsrom cautions that ICANN should stay out of local policies on the operation of IDN ccTLDs, and look at overall requirements, such as verification of existence of language tables, so that ICANN does not inject itself into operational issues at the registry and registrar levels. See http://forum.icann.org/lists/sync-idn-cctlds/msg00008.html.

Jonathan Shea, on behalf of the Hong Kong Internet Registration Corporation Ltd (HKIRC), wrote to express support for the proposed Implementation plan and to urge ICANN to implement the plan as soon as possible, particularly as it allows for delegation of the of Traditional and Simplified Chinese IDN ccTLDs for the Chinese Internet user community. Mr. Shea, similar to other commenters, noted the particular need to have synchronized delegations of IDN ccTLDs in both character sets to serve the expectations and need of the Chinese internet user community. See http://forum.icann.org/lists/sync-idn-cctlds/msg00010.html.

Eric Brunner-Williams, in his personal capacity, wrote to support the comments of Hong Xue, Hualin Qian and Shian-Shyong Tseng, John Klensin, and Patrik Falstrom. Mr. Brunner-Williams also suggested a different phrasing of issues noted by Mr. Klensin regarding the complexity of internationalization within the DNS. Mr. Brunner-Williams noted that the "one-script-per" rule placed within the Fast Track was in error, and is the cause for the issue today, and the ability (or inability) to review and address errors like this should be raised in a review of ICANN's accountability and transparency. The process leading to the resolutions in Nairobi was not transparent, and ICANN needs to move to better methods for problem solving. See http://forum.icann.org/lists/sync-idn-cctlds/msg00011.html.

A group of commenters including Eric Brunner-Williams, Ólafur Guðmundsson, Patrik Fältström, Paul Hoffman, Peter Koch, John R. Levine, Erik Nordmark, Jim Reid, Andrew Sullivan, Ondřej Surý, Paul Vixie, and Yoshiro Yoneya, submitted a co-authored statement addressing technical issues with the proposed Implementation Plan. The group noted that many of the technical concerns they initially formed were relieved with the posting of the questions and answers, and the clarification that the Plan is focused on administrative arrangements, as well as the clarification that synchronization will be defined by user expectation in the community to be served. They offer two suggestions: (1) to stop using terms with technically specific meanings such as "resolve" and "address" outside of the ordinary meanings, so that the plan can be clarified as appropriate; and (2) to update the question and answer 9 to remove language regarding "DNS responses must produce equivalent results", as the wording is prone to misinterpretation. The question/answer set

should instead focus on the user expectation, and should clarify that not only web systems are a target. See http://forum.icann.org/lists/sync-idn-cctlds/msg00012.html.

Henry Chan, on behalf of Asia Pacific Top Level Domain Association (APTLD) wrote to express its support and appreciation for the proposed Implemntation Plan, and that the Plan proposes an acceptable solution to the user expectations for Traditional and Simplified Chinese character sets. APTLD also thanked ICANN for the implementation of the IDN ccTLD Fast Track process as advancement for all non-English speaking communities. See http://forum.icann.org/lists/sync-idn-cctlds/msg00013.html.

 Olafur Gudmundsson and Andrew Sullivan, as the co-chairs fo the DNS Extensions Working Group DNSEXT) at the IETF, submitted a joint comment to clarify that the DNSEXT has not adopted the work on variant TLDs that was set out in the ICANN Webinars as necessary for a broader solution. They noted that the DNSEXT does not yet know what problem has to be solved, acknowledged that there may be more than one problem, and noted that a clear problem statement is necessary as a precursor to work. Finally, even if a solution is reached, it may not be realistically deployable in the DNS within the next decade. The proposed Implementation Plan cannot be envisaged as only a stop-gap measure before there are technical changes to the DNS to support variants; that work has not yet been started, and the plan shows that in-protocol mechanisms may not be needed to address this issue. http://forum.icann.org/lists/sync-idn-cctlds/msg00014.html.

Werner Staub wrote to encourage the Board to move forward with the delegation of Synchronized IDN ccTLDs without delay, and that it was unnecessary to try to overspecify what registries must do to allow delegation. Mr. Staub noted that if there are future refinements or clarifications needed, those could be made later. Mr. Staub noted a possible solution through the registry imposing identical servers, and commented on the Asian expert's treatment of the domains of one variant set as a single domain under the responsibility of the same party. Mr. Staub also recounted an exchange he had with a Board member at the Nairobi public forum regarding confusion between implementing administrative solutions and requiring technical methods for the operation of variant TLDs. See http://forum.icann.org/lists/sync-idn-cctlds/msg00015.html.

Hiro Hotta from Japan Registry Services Ltd. (JPRS) commented that there should be some mechanism for synchronization of IDN ccTLDs for Chinese character ccTLDs in order for IDN ccTLDs to exist for some Chinese language communities, and noted support for the request to have two strings that coexist. In this respect, there should be an allowance for this extraordinary case in the Fast Tract process. Hotta-san notes that the limitation for one string per script per language would not allow the delegation of the two character sets in the Han script; therefore that requirement should be relaxed for synchronized IDN ccTLDs. In addition, the focus on divergence should be on creating a mechanism by which it cannot occur, instead of a mechanism to address divergence that has already occurred. That mechanism should be clearly laid out in the Implementation Plan, or else it will be arbitrarily applied. Hotta-san suggested some solutions for how this can be addressed in the process. See http://forum.icann.org/lists/sync-idn-cctlds/msg00016.html.

Ching Chiao, on behalf of DotAsia, wrote to support the comments submitted by CDNC, and to emphasize the recommendations that will allow for synchronized strings to be delegated immediately. DotAsia noted that the same issues regarding variant management should be resolved in the New gTLD program before its launch, and recommends that ICANN hold a workshop to address variant management issues at the top level. See http://forum.icann.org/lists/sync-idn-cctlds/msg00017.html.

Staff Analysis and Feedback:

Proposed Plan will be clarified
ICANN staff would like to thank all commenters for their constructive input on the proposed plan for introduction of synchoronized IDN ccTLD. As it relates to the content of the proposed plan, ICANN staff agrees with the many commenters that the proposed Plan requires clarification in more than one area. First, ICANN staff agrees that it is important to clarify – as staff did on the Webinars and in the questions and answers – that the Implementation plan is an administrative/operations plan only. It does not and never intended to convey a DNS-technical solution. Second, ICANN staff agrees that where the plan is using undefined terms, or is using terms outside of their ordinary usage, it is appropriate to revise the Plan for clarity in these terms. To the extent that changes are needed to some of the questions and answers to address this clarification and remove technical confusion, ICANN staff thanks the commenters for their suggestions and will be making changes as appropriate. Some of the comments citing confusion were received prior the staff posting of the questions and answers and the webinars.

ICANN staff notes that to the extent the commenters sought to provide information as could relate to specific applications within the Fast Track process, ICANN staff is not able to comment on the content of those applications due to the confidentiality restrictions for all Fast Track applications. ICANN appreciates the many commenters that provided a description of how the proposed Implementation Plan could address the Chinese language situation and need, as this example enables better understanding of the issue at hand.

The intended goal of the proposed plan is to allow all countries and territories falling in the category of having a need for synchronized IDN ccTLDs to qualify for delegation of the synchronized strings. It is an ICANN Board decision on how the goal is achieved or modified moving forward.

Script-related issues

Many commenters suggested that the limitation of one string per official language or script was not appropriate in the synchronized IDN ccTLD context. As a general note, staff would like to note that there is a wide array of opinions as to the definition of scripts, and that such are not always agreeable across communities. While one can argue the Unicode and the DNS was not built to be able to support all languages and scripts in the world, we find it hard to argue that this problem regarding one string per official language or script arose in error. The script limitation in the Fast Track process was carefully set forth to support a limited introduction of IDN ccTLDs. Once more experience is gained with IDN ccTLDs, it is

possible that such requirements can be removed within a more general IDN ccTLD application process. This is currently being discussed in the ccNSO Policy Development Process on the subject of a long-term solution for IDN ccTLDs. As to the usage of the ISO15924, it is clear to staff that this list may not be perfect, but that it at the same time has been very useful to have a list as a reference for applicants to indentify which script their IDN ccTLD9s) is expressed in. While staff does not believe the usage of this list has been inadequately used (outside the scope and intent with the fast Track Process) it may be possible to select another list that is better for the purpose.

To address this latter issue, the Fast Track process is scheduled for review on 16 November 2010, and staff is currently analyzing whether there is a need to initiate this review earlier. It is understood that additional needs exists that are not covered by the Fast Track or by the proposed plan for synchronized IDN ccTLDs. ICANN is actively working on launching a project that build upon the existing processes and take experience and feedback such as the above into consideration, in development of a long-term and overall process to cater for all needs. Staff would like to point out that the Fast Track Process has and is working well for many parts of the community.

Enforcement

Another common theme among the commenters related to appropriate levels of enforcement. As the synchronized plan is not setting forth a technical solution, enforcement cannot be based on adherence to some technical protocol.

Much of the enforcement will have to be a self-enforcement mechanism adhered to by the registry managing the synchronized IDN ccTLDs and the registry manager's imposition of proper terms in agreements with registrants to deal with the everyday operation of domain names within the IDN ccTLDs. In some situations the registry might decide to withdraw the registration, and in others the registry might decide to work with the registrant that is in non-compliance with the registration policy and effectively fix the compliance issue. While ICANN would encourage the registry to undertake commitments to ICANN to impose policies and practices to deal with registrant non-compliance, ICANN agrees that any suggestion that ICANN is a moderator of content is improper and outside of ICANN's mandate.

ICANN staff appreciates and understands the concerns raised about the requirements over and above solely ensuring that the domains under synchronized IDN ccTLDs are registered to the same registrant. The high threshold is set as a precaution in this proposed initial and limited introduction of a subset of variants of TLDs, namely those that fall under the category of synchronized IDN ccTLDs. The reports required in the proposed plan are intended to provide information on the usability and compliance with the set rules of synchronized IDN ccTLDs. This will assist the community in our ongoing work on creating variant TLD solutions for a broader spectra than what is proposed with the synchronized IDN ccTLDs.

Outstanding technical work regarding variants

As noted by a few commenters, the synchronized plan is not a technical solution, and there is a lot technical work still needed in regards to variant management in general. Staff concurs with the clarifications provided by commenters on the scope of work that has not yet been initiated and agrees further that more work is necessary from the ICANN community to describe and clarify what type of problem(s) we are attempting to solving and what kind of requirements we would like to see covered in such a solution. ICANN staff has also acknowledged this on a DNSEXT mailing list: http://www.ops.ietf.org/lists/namedroppers/namedroppers.2010/msg00994.html.

Additional work within the ICANN community regarding variant management (as mentioned above) should be conducted quickly, but carefully. As suggested by one commenter, ICANN will try to accommodate a workshop on this topic and other arrangements in preparation for the Brussels meeting.

On the topic of variant TLDs, some are visually confusing, but not all. As such, under the proposal, IDN ccTLDs that are visually confusingly similar will not be allowed. Indeed, it was the variants that are visually confusingly similar that previously had cause concerns about security and stability and upholding the uniqueness principle of the DNS. As such, more work, analysis, technical tests and considerations of a DNS-technical solution must be done prior to development of a mechanism for these types of variant TLDs. As such, synchronized IDN ccTLDs cannot be visually confusingly similar. By not allowing confusingly similar TLDs to be synchronized, ICANN will gain some experience with these types of variant IDN ccTLDs in controlled situations. After some experience and perhaps more analysis and tests have been conducted, along with policy developments, then the rules can possible be relaxed and more variants of TLDs can be introduced. However, within ICANN's mandate of security and stability a very deliberate careful approach is taken in this proposed first instance.

Finally, it should be noted that the Fast Track Process was in itself a limited introduction of IDN ccTLDs, while the overall policy is being developed in the ccNSO. In terms of why there was not mechanism available for introduction of variant TLDs in the Fast track Process originally, staff refers back to the public comment periods of that process, where proposals was made for solutions, but none were acceptable across the community. As such the Fast Track Process was implemented with a reserve-solution for variant IDN ccTLDs, until a mechanism was found. The proposed plan is an attempt on a mechanism for a subset of variants of TLDs, namely those that are considered synchronized, while the overall solution for all types of variant TLDs is being developed.