Following the publication of the Proposed Implementation Plan for Synchronized IDN ccTLDs, EURid hereby submits its comments. They take into account the information provided in the document "Synchronized IDN ccTLDs – Questions and Answers".

Background

We have adopted the notation syncTLDa and syncTLDb from the Q&A document to refer to 2 synchronized IDN ccTLDs.

End user expectations

The whole document starts from the assumption that the end-user expects to find the same content when clicking on or typing either of the urls www.domainname.syncTLDa or www.domainname.syncTLDb. This brings ICANN into the area of regulating content which is far from the ICANN scope and mandate. Moreover, identical or similar domain names (in different TLDs in the former case and in different or the same TLD in the latter case) are often used for completely different content even when they belong to the same registrant. E.g. www.microsoft.com and www.microsoft.eu have different content, taking into account the cultural and/or regional differences the company wants to address. This would be very similar to www.domainname.syncTLDa and www.domainname.syncTLDb where syncTLDa and syncTLDb are clearly TLDs for different language groups with potentially different cultural sensitivities.

Requiring that a URL based on a domain name in syncTLDa results in identical or similar webcontent in syncTLDb is much too restrictive and clashes with high principles such as freedom of expression. As a matter of fact, there might be a language and/or cultural aspect that the registrant wishes to address by having different websites. At registry level, this requirement implies a call for action to inspect the content of the sites the domains are resolving into (what is similar and what is not – or where is the user expectation violated).

EURid understands the concerns of ICANN for the end-users but this issue can be better and more completely sorted out via the more liberal requirement that the registrant of the synchronized IDN domain is the same. Therefore, it should remain the sole prerogative of the registrant to decide whether different contents would be confusing to its public. We are

confident that the much more relaxed approach would give satisfactorily results while being more flexible and open.

Resolving of equivalent domains

In the proposed implementation plan, it is stated that equivalent domains "… resolve to the same address or value." While it is the purpose to "ensure appropriate user experience" the Q&A document admits that no technical procedure exists to obtain this effect. Indeed, requiring the same NS and A records does not guarantee the same content of the related websites. The opposite is even common practice today in virtual web hosting, where completely different websites/URLs resolve to the same machine.

Imposing the same NS and A records requires the registrant to run all applications on the same server, not allowing for optimization by spreading applications over different machines in case of large websites/applications.

Link to the Fast Track Process

The document considers the Fast Track process as being independent from the synchronized TLD process : "… For string selection and validation of synchronized IDN ccTLDs, all existing Fast Track rules and requirements apply, …".

This does not seem very consistent. The Fast Track requires the requested string not to be confusingly similar with already existing strings **including itself** as mentioned in the Q&A document: *"[T]he synchronized IDN ccTLDs cannot be confusingly similar. They cannot be confusingly similar to any other TLDs requested through the Fast Track Process or through the gTLD Program, nor to any reserved words, blocked TLDs, or any TLDs currently in the DNS root zone"*.

It does not seem very logical to try to synchronize 2 versions of a TLD while avoiding a "lookalike" extension that would emphasize the synchronization aspect.

Therefore, the Fast Track IDN process should not be seen as completely independent from the implementation phase and allow for strings to be confusingly similar:

- If the confusingly similarity applies to the existing extension of the requesting TLD and
- If a synchronized approach is envisaged.

This view is completely in line with the statement provided in answer n.4 from the Q&A document: "*The implementation plan for synchronized IDN ccTLDs is intended to provide a procedure by which a very limited number of variants of IDN ccTLDs can become eligible to initiate the String Delegation step in the IDN Fast Track Process*". Understood as "variants or "lookalikes" are allowed if synchronized".

The legacy

As the Fast Track Process is intended to allow for the IDN (syncTLDb) version of an existing TLD (syncTLDa), the latter will contain many domain names already. Even if the proposed synchronization mechanism in the Q&A document would be satisfactory (quod non – see above), the mechanism for the new IDN ccTLD to become synchronized with the existing (non IDN) TLD is completely unrealistic. It would require all registrants (in some case millions of them) to set up new or modify their existing name servers at the time of the start of the synchronized TLD to comply with the synchronization rules. A much more realistic scheme would be to allow the already existing names or the names being registered in synTLDa (existing TLD) to be automatically reserved in syncTLDb (new IDN ccTLD) for the same registrant. Only when that registrant consciously "activates" the name in syncTLDb by adding nameservers, would the TLD space remain consistent.

Conclusions

Taking into account the aforementioned considerations, we would like to submit the following modifications to the Proposed Implementation Plan for Synchronised IDN ccTLDs:

1. To relax the definition of synchronized IDN TLDs and allow for domain names that exist in one TLD to be reserved for the same registrant in the remaining synchronised TLDs.

2. To relax the requirement that domain names in the synchronized IDN ccTLD have to resolve to the same address or value to the more logical requirement of simply requiring the registrant to be the same for all the versions of a domain name in the synchronized TLDs.

3. To better link the Synchronised IDN ccTLDs implementation plan to the IDN Fast Track process so that strings confusingly similar with the existing string of the requesting TLD are allowed in case the synchronized approach is chosen.