

GNSO Registries Stakeholder Group Statement

Issue: Guidelines for Developing Reference Label Generation Rulesets (LGRs) for the Second Level

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Ref: <https://www.icann.org/public-comments/comments-lgr-second-level-2015-11-05-en>

ICANN has proposed the creation (and enforcement) of a system of Label Generation Rulesets (LGRs) to describe the characters allowed and rules applied for a particular Language across all registries. The RySG believes that the timing of the proposal may be premature, that the possible impact on stakeholders has not adequately been determined and that it may not be well aligned with the larger goals for the domain marketplace.

Timing

The process of developing the LGRs for the top level is still underway. For example, Chinese, Japanese and Korean engineers and experts are still working on LGRs at the top level. Therefore the LGRs for the second level have no reference set.

The RySG believes that the process for developing LGRs at the second-level should be deferred until after the LGRs are completed for top-level domains. Developing LGRs at the second-level before LGRs are completed at the top-level creates a level of uncertainty that could result in inconsistent implementations at the two levels.

Impact Analysis

As a starting point, it is not entirely clear to us how ICANN intends to use the proposed LGRs. We do not oppose the proposed process to develop reference LGRs, provided that they are solely treated as references and examples for registry operators as well as for the pre-delegation testing provider. However, given that development of these LGRs will not follow from a community process, we would object to their being treated as requirements for all gTLD registries. The RySG would like to call attention to the following recommendation that is part of the Policy & Implementation WG recommendations that were approved by the GNSO Council and the ICANN Board: 'An analysis of the impact of new policy on stakeholders is an essential part of the policy development process.' Potential domain name registrants and users along with the registries and registrars who serve their needs are key stakeholders with regard to LGRs so it is essential that the impact on them is fully understood and considered before finalizing the LGRs. Two key questions that need to be answered regarding the proposed Guidelines are:

1. Do the Guidelines maximize the benefits to registrants and users?
2. Are the perceived benefits of the Guidelines sufficient to justify the implementation costs that registries and registrars will incur to implement them?

An impact analysis of the Guidelines or any other proposed approach to LGRs should be carried out and reviewed by the community before they are finalized.

In the event that ICANN intends the resulting LGRs to become binding for registry operators, we have the following concerns regarding the proposed process.

Meeting Marketplace Goals

Core value 5 in the ICANN Bylaws says: “Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.” The RySG believes that the implementation of the Label Generation Rulesets as currently proposed could reduce competition among registries.

Competition between registries ensures that consumers can choose from a broad set of options and services in the domain marketplace. Implementation of the proposed Guidelines will reduce competition by preventing registries from offering a variety of characters or rules. It’s important that registries minimize possible confusion regarding domain name registrations, but we believe that that can be done without being overly restrictive with LGRs. Historically at the second level, ICANN has allowed registries to support a variety of non-confusable registrations and that has served to foster competition.

Historically, legacy gTLD and ccTLD operators have had very different policies on variants of the same script. The RySG supports continuation of this approach and believe that it has helped to create a vibrant domain name marketplace. As an example, some registries may choose to support certain rarely used Unicode points while others do not; as long as such code points are valid Unicode and non-confusable, this competitive practice will serve consumers in a positive way.

Implementation of Label Generation Rulesets as currently proposed may not be feasible because it assumes there is a single entity in the world that is qualified to decide the rules and characters at play for every known language. We recognize and appreciate the fact that ICANN has significant linguistic expertise on their staff, living and working across the globe and that ICANN participates constructively in various language communities around the world. But we question whether ICANN or any other organization is capable of or even wants to become the authority which sets the de facto standards for all written language. And we doubt that

investing so much authority in any one entity would further ICANN's stated goals for the domain name marketplace.

Languages are not static. An entity tasked with documenting language rules in perpetuity would be inundated with questions and requests. The processes required to document and apply language rules, even if managed by an agile bureaucracy may serve to slow the change of languages, and retard the way humans communicate.

Finally we want to emphasize that domains are not language. Domains are appropriately described as 'names'. Names transcend language. Many such examples have been discussed. A good English language example is the FLICKR.COM domain, a popular image aggregation site. The word 'flickr' is not proper English, and may not conform to any known set of language rules. But it's a viable and valuable domain in the marketplace. What does it profit ICANN or the community they serve to eliminate FLICKR.COM and other domains that may not be linguistically valid? Pursuing Label Generation Rulesets seems like a distraction from ICANN's more worthy goals for the domain marketplace, such as ensuring security and stability, and fostering competition.