

## GNSO Council Comments on IDNC WG Final Report

The GNSO Council welcomes the opportunity to provide comments to the Final Report of the IDNC WG, and applauds the ICANN Board's directive for the staff to begin work on implementation measures with relevant stakeholders to implement the fast track.

In general, the GNSO Council urges ICANN staff to adhere to the principles laid down in the IDNC Charter. Most importantly, to develop a mechanism that enables the introduction of Fast Track IDN ccTLDs "in a manner that ensures the continued security and stability of the Internet, of a limited number of non-contentious IDN ccTLDs."

The proposed Fast Track Methodology identified a few good starting points. However, some areas may require further considerations for implementation:

1. **Official Language & Meaningful String** – The working definition and requirement for a Fast Track IDN ccTLD to be in an Official Language of the territory and a meaningful representation of the territory name provides a good framework for the Fast Track process and is consistent with the IDNC charter to "introduce a limited number of IDN ccTLDs associated with the ISO 3166-1 two-letter codes (IDN ccTLDs)." The adherence to the ISO 3166 standard and the use of internationally accepted documents such as the UNGEGN manual is appropriate and should be encouraged. Where a proposed string is not listed in the UNGEGN manual however, the proposed mechanism provided little structure for implementation. Learning from the WIPO II discussions and recommendations regarding territory names and IDNs, experience from the geopolitical names discussion in the new gTLD process, along with expertise from UNESCO should be encouraged and should inform the implementation process.
2. **Request for Information (RFI)** – The recommendation for an RFI to gain an understanding of the interest of territories to participate in the Fast Track will be useful for planning purposes as well as for the ICANN community. The transparency of information received, such as the potential TLD string and the interested territory, should be maintained as much as possible.
3. **Ongoing Process** – The concept of allowing the Fast Track to be an ongoing process is consistent with the IDNC charter to introduce "non-contentious IDN ccTLDs while the overall policy is being developed." Nevertheless, it will be important for the process to be implemented in a manner that ensures the continued security and stability of the Internet. As such, the introduction of new Fast Track IDN ccTLDs should be processed in well publicised and predictable time schedules in order for the community, including the technical community, intellectual property rights community, and other stakeholders to attend and respond to the process.
4. **Dependency on Review of Technical Standards** – The acknowledgement in the Final Report that "implementing the Fast Track process as recommended, may be dependent on conclusion of [the] revision [of IDNAbis]" is appropriate. In addition to the IDNAbis, recent discussions at the technical community also indicated the need to update the IETF Standard 3 (STD3, RFC1123 – <http://www.ietf.org/rfc/rfc1123.txt>) where it specifies that "the highest-level component label [of a domain name] will be alphabetic." The specification potentially precludes the introduction of IDN TLDs and may need to be revised. Review of IDNAbis, its related documents and STD3 should be completed before the introduction of IDN TLDs.

There are also a number of issues that appear to be potentially of significant concern for the ICANN community:

- A. **Definition of Non-Contentious Only within the Corresponding Territory departs from current ccTLD practices** – The IDNC charter specifically defined a scope for the Working Group to develop and report on feasible methods to enable the introduction of “a limited number of non-contentious IDN ccTLDs”. The proposed Fast Track Methodology definition that a “proposed string and delegation request should be noncontentious within the territory”, seems to be a significant departure from the original scope. Furthermore, such definition may be seen as inconsistent with the current ccTLD practices. The current practice follows the process of the ISO 3166-1 standard where the two-letter string is determined in an international collaborative effort. The proposed Methodology suggests introducing a method whereby a territory would unilaterally propose a TLD string. This is a significant departure from the current ccTLD practices and therefore the overall process must be designed and implemented with caution and should include ongoing public review.
- B. **Lack of Process for Determining Non-Contentiousness exposes ICANN to challenges from the community** – While the Initial Report issued by the IDNC WG in January 2008 had solicited responses for an Objection Mechanism, and comments received had not suggested such process to be inappropriate, the proposed Fast Track Methodology did not include any process for determining the non-contentiousness of a proposed Fast Track IDN ccTLD. This would be a significant departure from the principle laid out in the IDNC WG charter. The lack of mechanisms to facilitate and process comments from relevant stakeholders could expose ICANN to challenges. More specifically it would mean that the Fast Track process could hinge upon ICANN (or the ICANN board) making decisions to determine the appropriateness of the name of a country or territory to be a TLD. Comment and dispute resolution frameworks should be considered comprehensively and implemented prior to the commencement of the Fast Track application process.
- C. **Lack of Mechanism to Enforce Compliance** – The IDNC WG charter expressly specified that “In considering feasible methods the IDNC WG should take into account and be guided by: The overarching requirement to preserve the security and stability of the DNS ...[and]... Compliance with the IDNA protocols.” Without some form of expressed understanding between a Fast Track IDN ccTLD and ICANN, it is not clear how the overarching techno-policy requirements for IDN deployment, including continued compliance with the IDNA standards and the ICANN IDN Guidelines could be enforced. Furthermore, the lack of any expressed understanding may impede the ability for ICANN to transition Fast Track IDN ccTLDs into the IDN ccPDP process when it is complete.

The GNSO Council would also like to reiterate some of the points expressed in the GNSO Comments in Response to the ccNSO-GAC Issues Report on IDN Issues:

- IDN-labeled TLDs (whether considered gTLDs or TLDs associated with countries territories) should be introduced as soon as practicable after technical requirements and tests are successfully completed.
- The introduction of IDN-labeled gTLDs or ccTLDs should not be delayed because of lack of readiness of one category, but if they are not introduced at the same time, steps

should be taken so that neither category is advantaged or disadvantaged, and procedures should be developed to avoid possible conflicts.

- Confusingly similar strings should be avoided.
- Consideration must be given to the risks of spoofing using IDN homoglyphs.

Finally, the GNSO Council would like to take the opportunity to update a previous statement in the GNSO Comments in Response to the ccNSO-GAC Issues Report on IDN Issues to the following: There may be only one IDN ccTLD string per ISO 3166-1 entry per relevant script per relevant language, but in any event no more than one Fast Track IDN per relevant language. The change reflects our understanding and respect for territories where multiple languages share a single script, such as in India.

The Final Report presented by the IDNC WG provides a good and simple framework that should work for ccTLDs. Implementation details for the proposed mechanism however, will be critical. While the Fast Track IDN ccTLD process seems to be a matter concerning ccTLDs only, the GNSO Council urges ICANN Board and staff to consider the community-wide ramifications of the introduction of these new TLDs to the social and technical fabric of the Internet. As such, the enforcement of technical standards, the maintenance of security and stability, the balanced involvement of the ICANN community, not only from the ccTLD community, the reliance on internationally accepted standards and intergovernmental processes outside of ICANN's mission, and the consideration of cost and cost recovery principle of ICANN processes, will be paramount for the success of the Fast Track IDN ccTLD process.