

## 29 July - Staff Redlines of Working Document

**Supplemental Recommendation 24.3:** The **GNSO Council Working Group** recommends updating the standards of both (a) confusing similarity to an existing top-level domain or a Reserved Name, and (b) similarity for purposes of determining string contention, to address singular and plural versions of the same word **in the same language**, noting that this was an area where there was insufficient clarity in the 2012 round. Specifically, the **GNSO Council Working Group** recommends, **absent verifiable criteria which differentiate the applied-for-string to the extent that consumers are unlikely to be confused and that can be enforced by ICANN (Verification)**, prohibiting plurals and singulars of the same word within the same language/~~script~~ in order to reduce the risk of consumer confusion. For example, the TLDs .EXAMPLE and .EXAMPLES may not both be delegated because they are considered **singular and plural versions of the same word in the same language, and are therefore confusingly similar**. This expands the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language/~~script~~ basis.

EXAMPLE is used here for illustrative purposes only. The **GNSO Council Working Group** is aware that technically .EXAMPLE cannot be delegated at all because it is one of the names already reserved from delegation as a Special Use name.

- 1) **If ICANN org is informed that an application for a single/plural variation of an existing TLD or Reserved Name is submitted, as evidenced by a dictionary and subject to verification, that application will not be permitted.** ~~if the intended use of the applied for string is the single/plural version of the existing TLD or Reserved Name. For example, if there is an existing TLD .SPRINGS that is used in connection with elastic objects and a new application for .SPRING that is also intended to be used in connection with elastic objects, .SPRING will not be permitted.~~
  - 2) **If ICANN org is informed that there is an application for the singular version of a word and an application for a plural version of the same word in the same language/~~script~~ during the same application window, as evidenced by a dictionary and subject to verification, these applications will be placed in a contention set,** ~~because they are confusingly similar.~~
- Applications will not automatically be placed in the same contention set because they **are determined** ~~appear visually~~ to be a single and plural of **the same word in the same language one another**. Applicants may propose verifiable criteria, subject to evaluation, which **differentiate the applied-for-strings to the extent that consumers are unlikely to be confused, and that can be enforced by ICANN.** ~~but have different intended uses. For example, .SPRING and .SPRINGS could both be allowed if one refers to the season and the other refers to elastic objects, because they are not singular and plural versions of the same word. However, if both are intended to be used in connection with the elastic object, then they~~

~~will be placed into the same contention set. Similarly, if an existing TLD .SPRING is used in connection with the season and a new application for .SPRINGS is intended to be used in connection with elastic objects, the new application will not be automatically disqualified.~~

~~The Working Group recommends using a dictionary to determine the singular and plural version of the string for the specific language. The Working Group recognizes that singulars and plurals may not visually resemble each other in multiple languages and scripts globally. Nonetheless, if by using a dictionary, two strings are determined to be the singular or plural of each other and their intended use is substantially similar, then both should not be eligible for delegation.~~

~~Implementation Guidance 24.4: All applicants should be required to respond to an application question asking the applicant to explain the scope of intended use of the TLD, including any ways the applicant does not intend to use the TLD. If two or more applicants in the same round apply for strings that appear visually to be a single and plural of one another, and it is not clear to evaluators based on the applications whether the intended use is the same or different and therefore whether one string is a singular or plural of another, ICANN yeshould issue a Clarifying Question.~~

**Supplemental Recommendation 24.5:** If two applications are submitted during the same application window for strings that ~~create the probability of a user assuming that they~~ are single and plural versions of the same word **in the same language OR an application is submitted for a single/plural variation of an existing TLD or Reserved Name, but the applicant(s) are able to propose verifiable criteria which differentiate the applied-for-strings and where they can demonstrate that consumers are unlikely to be confused** ~~the applicants intend to use the strings in connection with two different meanings,~~ the application(s) will only be able to proceed if ~~each of~~ the applicants agrees to the inclusion of a mandatory **Registry Voluntary Public Interest** Commitment. The mandatory **RVC PIG** must include a commitment by the registry to **implement the proposed verifiable criteria. The RVC must be enforceable under the ICANN Bylaws and as a practicable matter, and cannot require the evaluation of content.** ~~use the TLD in line with the intended use presented in the application, and must also include a commitment by the registry that it will require registrants to use domains under the TLD in line with the intended use stated in the application.~~

## 29 July - Clean Version

**Supplemental Recommendation 24.3:** The GNSO Council recommends updating the standards of both (a) confusing similarity to an existing top-level domain or a Blocked Name, and (b) similarity for purposes of determining string contention, to address singular and plural versions of the same word in the same language, noting that this was an area where there was insufficient clarity in the 2012 round. Specifically, the GNSO Council recommends, absent relevant applications meeting the conditions set forth in Supplemental Recommendation 24.5, prohibiting singulars and plurals of the same word in the same language in order to reduce the risk of end user confusion. For example, the TLDs .EXAMPLE and .EXAMPLES may not both be delegated because they are considered singular and plural versions of the same word in the same language, and are therefore confusingly similar. This expands the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language basis.

Singulars and plurals can be in reference to two distinct categories: 1) An applied-for gTLD and an existing gTLD and 2) Two or more applied-for gTLDs:

- 1) If ICANN org is informed that an application for a singular/plural variation of an existing TLD or Blocked Name is submitted, as evidenced by a dictionary and subject to verification, that application will not be permitted.
- 2) If ICANN org is informed that there is an application for the singular version of a word and an application for a plural version of the same word in the same language during the same application window, as evidenced by a dictionary and subject to verification, these applications will be placed in a contention set.

**Supplemental Recommendation 24.5:** If applications are identified as a singular and plural in either of the two distinct categories as described in Supplemental Recommendation 24.3, the applicant(s) may propose verifiable criteria, subject to evaluation, which demonstrate that the applied-for-string(s) will likely not confuse end users and shall be used to formulate Registry Voluntary Commitments (RVCs), which must be enforceable under the ICANN Bylaws and as a practicable matter, and cannot require the evaluation of content.

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Potential Implementation Guidance:

- Anyone should be able to report an instance of singulars and plurals of the same word and in the same language. The report should include the singular/plural words, relevant language, and dictionary used to identify the relevant applications.
- The identification of singulars and plurals of the same word and in the same language should implicate all relevant applications for those words/strings.

- To the extent feasible, ICANN org should rely on existing New gTLD Program elements in order to implement Supplemental Recommendations 24.3 and 24.5.
- ICANN org should consider the following suggestion of verifiable criteria that 1) differentiate the applied-for strings and 2) assures that end users are unlikely to be confused:
  - Differentiated applied-for string: Clear delineation as to eligible registrants, based on specific, objective eligibility criteria such as the possession of a license, or professional qualifications.
  - Unlikely to cause end user confusion: To be finalized by the IRT.

In respect of Supplemental Recommendation 24.5, existing registry operators should be able to provide Application Comments if they are concerned with the proposed verifiable criteria.

