

Working Document

Topic E: Adjustments to objection process, string similarity review, string contention resolution, reserved strings, and other policies and procedures

CHARTER QUESTIONS

e1) In considering the conclusion(s) with respect to question **b4a)**, what role, if any, do TLD labels “withheld for possible allocation” or “withheld for the same entity” play vis-a-vis:

- objection process; and
- string similarity review process?

High-Level Notes:

- *As e1(the part related to “withheld-same-entity” labels) and e3 are interrelated, the discussion for these charter questions was combined, with the deliberations captured under e3 below.*
- Regarding Part 2 (withheld same entity labels’ role in the objection process), some members suggest having the String Similarity Review Small Group to tackle this question. They believe that this question seems similar to what is being discussed for String Similarity Review, and it should have the same answer.

e2) Under the rules of the most recent gTLD application round, there are four criteria for objections to a string (see *gTLD Applicant Guidebook*, version 2012-06-04, section 3.2.1).¹ The SubPro PDP has also affirmed the continuation of these four criteria for objections to a string, while proposing recommendations and implementation guidance to enhance/adjust these criteria.²

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **objection** process for the variant label applications of existing and future TLDs.

High-Level Notes:

- The EPDP Team had preliminary agreement that all allocatable variant TLD labels which are requested to be activated must be subject to the objection process.

¹ The four criteria are: String Confusion Objection; Legal Rights Objection; Limited Public Interest Objection; and Community Objection.

² See “Topic 31: Objections” in the SubPro PDP Final Report, pp.145-154:
<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=145>

- Some members believe that a blocked variant could seem identical to a string that a potential future applicant may be interested in, and this is an argument for factoring blocked variants in the objection process.
- Depending upon which gTLD is applied for as the primary, it may impact whether the variants are allocatable or blocked and there may be implication to the objection process. One example was discussed during the meeting:
 - 滙豐 -- Special Chinese character combination for HSBC
 - 匯豐 -- Traditional Chinese for HSBC
 - 汇丰 -- Simplified Chinese for HSBC
- The working group assigned a small group with the task of making a recommendation on the approach to each type of objection (String Confusion, Limited Public Interest, Legal Rights, and Community).
- On 18 August, the small group presented its recommendations and the rationale for these recommendations. [See slides here beginning on slide 19.](#)
- During this initial review of the small group recommendations, some EPDP Team members expressed concern that may be excessive to allow String Confusion Objections based on confusing similarity to a blocked variant that will never end up in the root.
- In reviewing the small group recommendations, some EPDP Team members felt that mixed-script blocked variants would be appropriate to exclude from the equation. From another perspective, if there is a script that is commonly used for multiple languages, a mixed-script string could be a cause for confusion.
- On 26 August, the EPDP Team received additional information about risk of denial of service and misconnection, including examples, to further clarify why the small group recommended the hybrid model for String Confusion Objections to address misconnection. See deliberations below on Charter Question e3 for additional details.
- On 8 September, the EPDP Team revisited the small group's recommended approach to the Limited Public Interest objection and agreed that it was appropriate to recommend this approach (see [slide 41](#) here for details).
- On 13 October, the EPDP Team reviewed the views of each of the groups with respect to the hybrid model and noted that overall, there appeared to be some level of support, with specific caveats from some groups (see slides 8-12 [here](#) for details). The EPDP Team agreed to revisit this issue after it receives input on the topic from ICANN org, which will provide additional insight on the implementation aspects of the potential recommendations.
- The EPDP Team further discussed the objections processes on 10 November and agreed that it would be useful to draw up use cases to further support deliberations on the different options for Community and Legal Rights Objections.
- The EPDP Team reviewed use cases of 1 December 2022, as presented in the meeting slides [here](#). In looking at the Community and Legal Rights Objection options and corresponding scenarios where the objector could prevail, the working group noted some of the open questions around option 2 for both objection types.
- One EPDP Team member noted that if the group allows objections against blocked variants (option 2), it is only logical that the result where the objector prevails is that the

application is ineligible to proceed in all scenarios (1-5). Anything else would cause illogical consequences. To some, Option 2 seems to result in a situation where the variants, including those that will never be in the root, have a very important consequence to the primary string that the applicant has an intent to operate. It seems that this is overly conservative.

- EPDP Team members reviewed the scenario where a conservative approach may be considered beneficial for the Legal Rights Objection. Specifically a case where a rights holder wants to object against a blocked variant and knock out the application, because the application proceeding would prevent the rights holder from applying for their TLD in the future.
- Some working group members expressed that this would be unfortunate, but that the first-come-first serve principle generally applies in the New gTLD Program.
- The EPDP Team came to preliminary agreement that for Legal Rights Objections and Community Objections, you can only object to the applied for strings (option 1).
- On 19 January 2023, the EPDP Team reviewed preliminary agreements String Confusion Objections and Limited Public Interest Objections that will serve as the basis of draft recommendations in response to this charter question for those two objection types (see [slide 4 here](#)).
- EPDP Team also reviewed and confirmed agreement that for Legal Rights and Community Objections, “option 1” is the path forward, namely:
 - Only applied-for strings can be objected (Option 1)
A Legal Rights Objection or Community Objection may contain one of the following options:
 - a. Only the applied-for primary string
 - b. One or more requested allocatable variant label(s)
 - c. A combination of applied-for primary string + one or more requested allocatable variant label(s)
 - If objection prevails against the primary string (including the combo situation), application is ineligible to proceed
 - If objection prevails only against one or more requested variant label(s), primary string and other unaffected requested variant label(s) are eligible to proceed; the affected variant label(s) are ineligible to proceed
- The EPDP Team reviewed input on option 2 for the Legal Rights and Community Objection, and did not believe that this input had an impact on the EPDP’s preference for option 1.
- The EPDP Team noted the importance, based on org feedback, of being clear about the meaning of blocked variants in the context of the hybrid model.

e3) In the Initial Evaluation for new gTLD applications, a proposed applied-for TLD is checked against several criteria as part of the string similarity review process (see *gTLD Applicant Guidebook*, version 2012-06-04, section 2.2.1.1.1).³ The SubPro PDP affirmed these

³ These criteria are: existing TLDs and reserved names; other applied-for strings; strings requested as IDN ccTLDs; and applied-for 2-character IDN gTLD strings against every other single character and any other 2-character ASCII string.

standards, while proposing recommendations and implementation guidance to enhance the process.⁴

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **string similarity review** procedure for variant label applications of existing and future gTLDs.⁵

High-Level Notes:

- The current scope of EPDP discussion of this question was limited to future new gTLDs going forward.
- One member suggested the following: the string similarity review should only cover the variant labels requested by the applicants. The primary applied-for gTLD should be evaluated first, and the requested variant labels should be evaluated next.
 - If the primary string is confusingly similar to existing TLDs, requested ccTLDs, or Reserved Names, the application is rejected.
 - If the primary string is confusingly similar to another applied-for gTLD in the same round, they go forward with contention resolution.
 - If the primary string passes evaluation, but the requested variant is confusingly similar to existing TLDs, string requested as ccTLDs, or Reserved Names, the applicant should have an opportunity to withdraw its request for the variant label.
 - If the primary string passes evaluation, but the requested variant is confusingly similar to another applied-for gTLD in the same round, the applicant should have an opportunity to either withdraw its request for the variant, or go forward with contention resolution.
 - If the applicant would like to request a variant that it didn't previously apply for, it needs to undergo a new string similarity review process, as circumstances may

⁴ See "Topic 24: String Similarity Evaluations" in the SubPro PDP Final Report, pp.108-114:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=108>

⁵ The Staff Paper recommends that the string similarity process to compare strings under consideration not just against all allocated or applied-for strings, but also all variants of those strings (including allocatable, withheld-same-entity, and blocked). For example, if a string is merely withheld-same-entity and a second string is visually similar, then allocating the second string undermines the predictability of the outcome of variant processing from the RZ-LGR. Similarly, if a string is blocked under the RZ-LGR, but a visually similar string is allocatable, then the second (visually similar) string might become a "work around" for the blocked string. This approach is maximally conservative. It is nevertheless worth noting that this expands considerably the number of strings that might need to be considered; the entire similarity review process will consequently probably become more expensive to operate. See Section 3.8 Adjustments in String Similarity Process in the Staff Paper, pp.18-19:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=18>

Staff Paper further recommends that in the event that two or more applied-for variant strings are visually similar, they may only be allocated if they are associated with the same variant set and are being requested by the same entity. In case of such conflicts across variants, the entire IDL set gets processed as one contention set; if one of the labels is already allocated, the contention is resolved in favor of the current operator. The Staff Paper recommends that it is necessary to perform the visual similarity checks for every requested-to-be-allocated variant in any given set against all the possible variants in every other set. This is because such an available variant could be requested at any time in the future. See Section 3.8.1 in the Staff Paper, pp.20-21:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=20>

have changed with respect to potential string contention, and this will need to be taken into account in the evaluation process.

- Another member suggested that the applicant might also be given the chance to “switch” its primary applied-for gTLD label to one of the variants.
- In the development of the Staff Paper, three levels of analysis were conducted regarding the coverage of String Similarity Review:
 - Level 1: Applied for strings (including requested variants) compared against other applied for, delegated strings, and reserved strings;
 - Level 2: Applied for strings (including requested variants) compared against other delegated strings, reserved strings, applied-for strings and their allocatable variants;
 - Level 3: Applied for strings (including requested variants) compared against other delegated strings, reserved strings, applied-for strings and all of their variants (including blocked ones).
- Staff Paper ultimately recommended the maximally conversative approach (Level 3) as there was little knowledge of how variants would be operated and it seems safer to err on the side of caution.
- There was support that evaluating all valid variants is overly restrictive and conversative. For certain scripts, allocatable variants could be tens of labels, and blocked variants can be very large for not only Arabic, but also Latin script (e.g., hundreds or thousands). Conservative approach could be costly and the EPDP Team needs to consider adding parameters to make the process easier and less costly.
- One member suggested the full set of the reserved strings should be evaluated against, as a certain reserved string could become unreserved in the future.
- Another member commented that if the language community didn’t want a certain blocked string, shouldn’t it have also blocked the string that is confusingly similar to the blocked string? If they didn’t block it, maybe they are okay with it being delegated. A variant of a blocked string should only be rejected IF it is confusingly similar from a visual perspective.
- The leadership/staff has been tasked to develop a matrix to clearly lay out the different levels of comparison and identify which elements of each set are compared to which elements of the other set, as well as the respective pros and cons of each level of comparison.
- Staff developed a [comparison matrix](#) to show the three levels of string similarity review and their respective “pros” and “cons” as conversation starter: Level 1 - Primary + Only Requested Allocatable Variants; Level 2 - Primary + All Allocatable Variants; Level 3 - Primary + All Variants
- One member believes that all three levels guarantee that there will be no confusability, and no level provides better protection than another level in this regard.
- Discussion of Level 1 - Primary + Only Requested Allocatable Variants:
 - An RO has no automatic “ownership rights” to allocatable variants. It only has rights to a variant that is requested and delegated. It should be acceptable if an applicant does not request an allocatable variant at first but is then denied when

it later requests it, because at that point in time that variant is confusingly similar to an already delegated string.

- Registry agreement has the following clause regarding “Ownership Rights”:
“Nothing contained in this Agreement shall be construed as (a) establishing or granting to Registry Operator any property ownership rights or interests of Registry Operator in the TLD or the letters, words, symbols or other characters making up the TLD string, or (b) affecting any existing intellectual property or ownership rights of Registry Operator.”
- Some allocatable variant labels will never be applied for, so they should not be taken into account in the string similarity review.
- If activation of variant labels is possible between application rounds, an additional “con” would be the string similarity review would have to be done at any point in time. However, the EPDP Team has not agreed on whether activation requests between rounds are allowed.
- When there are multiple rounds and if there is overlap in timing of evaluation processes, the string similarity review of variant labels may not be that simple. A consideration is needed regarding the specific rules applied across rounds that govern how activation of variants by ROs is prioritized. SubPro also has addressed the prioritization of applications where there may be overlapping rounds.
- Comments supporting this level include:
 - Support this option if variants can only be requested inside application rounds.
 - This level is sufficient because it is a safeguard against allocating variants that would be confusable to other strings allocated. No need to check any future potential confusability of labels as that would only unnecessarily restrict the DNS space.
 - Level 1 entails the least similarity work and the lowest cost. The only drawback is that if an entity does not apply for an allocatable variant initially it might not be able to get it later. If the applicant is aware of this potential consequence, it can apply for all the allocatable variants it wants at the outset.
- Discussion of Level 2 - Primary + All Allocatable Variants:
 - To set a policy that gives a right of first refusal to an existing RO to any variants goes against the notion that the RO doesn’t have ownership rights to those variant strings. Essentially it is reserving the right for the RO for the string should they ever want it, and over anyone else who applies for a string that might be confusingly similar.
 - To review the allocatable but not requested variants is not to give IP rights to the applicant. In the 2012 round, the self identified variants were incorporated in the string similarity review but the applicant did not have any IP rights over those strings.
 - An applicant is not an RO bound to the registry agreement or the “Ownership Rights” clause.
 - Comments supporting this level include:

- Support this option if variants can be requested outside of application rounds. We need to ensure from the start that allocation of all allocatable variants will be possible.
 - It narrows the chances of confusability in the same round, which improves predictability. This creates predictability because all entities have their original string and allocatable variants being compared against each other. No other TLD in the future could apply for those allocatable variants.
 - It presents a good balance from a cost perspective.
 - It provides flexibility and opportunity while ensuring a degree of protection of confusability.
 - This level depends on other elements such as costs associated with each string applied for and when a string could be applied for. If the cost is relatively low for applied-for string, ALAC believes Level 2 is more appropriate.
- Discussion of Level 3 - Primary + All Variants:
 - The maximally conservative approach is the safest but might be too much.
 - Similarity is considered at the perception layer and it cannot be done in an automatic fashion. In the 2012 round there was a SWORD tool, but it did not perform adequately and SubPro recommends eliminating such tool.
 - When a string is formally requested there is a need to notify the community, provide an opportunity for objections, and complete related processes. SubPro did not favor requesting applications on a rolling basis because it is difficult to make this predictable. If the activation of variants is made possible between rounds, this will go against the principle of predictability that SubPro spent a lot of time working on.
 - Level 3 is more predictable, as all variants are reviewed upfront.
 - Giving right of first refusal on every variant label to the existing registry operator is predictable, but it goes against many other principles put forward by SubPro.
 - Why do blocked strings need to be taken into consideration? GPs may have multiple motivations for blocking a string. The main motivation was that the RZ-LGR procedures suggested that allocatable variants should be minimized and blocked variants should be maximized. The panel may look at it from a usability perspective. If there are two characters that are nearly visually identical and there is no usability argument, then they would make it a blocked variant. If there is a usability argument, they would make it an allocatable variable.
 - In the case of Level 3, the first-come-first-serve rule would not be an issue, but it would be an extra consideration for Level 1 and Level 2.
- There was divergence regarding which of the three levels is the most appropriate. There was a discussion about whether Level 1 or Level 3 is more consistent with the SSAC conservative principle. From one perspective, Level 3 is a broader evaluation and therefore more conservative. From another perspective, Level 3 creates rights to a wider range of variants, and therefore Level 1 is more conservative because it treats the pool of variants in a more limited way.

- There was a suggestion regarding activation of labels between rounds: What if there was a rule that if an applicant is applying for an IDN TLD, they know what the variant set looks like and they decide what they want to apply for? There is one opportunity to apply for the primary and the variant set you are interested in applying for. If the requested variants are still available in the future, there is still an opportunity.
- Need to examine the issue from end user perspective to make the space less confusing; that's the underlying motivation of the string similarity review. Irrespective to whether the variant is allocatable or blocked, there can still be confusability for end users when there are two similar strings in the DNS space.
- Example: Simplified and traditional Chinese – in most cases the two are visually distinct. If applicant A applies for a simplified Chinese version, which has a traditional version variant that looks different but is considered to be the same in meaning and has not been applied for. If applicant B applies for a traditional Chinese character that is visually very similar to traditional variants of the simplified character applied for by applicant A. If the comparison is done only for applied-for strings, the applied-for strings for applicant A and B will both be delegated, the end users can get confused by seeing the traditional version is the same as the simplified version. This will create confusion for all registrations under those TLDs. Level 1 will not prevent this scenario.
- One member supported the model proposed in the Staff Paper, where the applied-for primary label + requested variants are compared against other primary TLDs + all allocatable and blocked variants.
- Confusing similarity has always been only about visual similarity. Applying that principle, the maximum conservative approach is not consistent. How would this work in the case of variants that are not visually similar and why would additional protections be provided to them? Hard to compare these levels without concrete examples. The EPDP Team agreed to use a small group mechanism to develop examples related to Levels 1, 2, and 3 to assist further deliberation.
- Even if the EPDP Team reaches agreement on when variants can be applied (inside application rounds or outside), the appropriate level of string similarity review still cannot be identified without further deliberation.
- On Thursday, 11 August, the String Similarity small group presented its [recommendations](#) regarding the String Similarity Review to the EPDP Team and in particular that a “hybrid” approach should be used.
- In reviewing the small group recommendations, some EPDP Team members raised that it was not clear why any string should be compared to a blocked variant, knowing that those blocked variants will not be applied for and will not be delegated.
- Small group members responded that they were looking from the point of view of an end user who may not know if a variant is blocked. There is still a misconnection risk even if the blocked variant will never be a TLD and a risk of user confusion, especially when the user is sent a link to click.
- EPDP Team members noted that misconnections happen every day when users type a different extension to the second level domain name or type a second level domain name that was not the right one.

- Small group members replied that this group can't address that issue across all TLDs. But it can do something for the case of IDN variants. The small group took into account both the idea of the consistent user experience and potential risk of harm.
- EPDP Team members considered that the inclusion of the blocked variants in the analysis can significantly increase the complexity of the analysis and the number of strings taken into account. It was noted that the EPDP Team will need to consider what is ultimately implementable. With the hybrid approach, would many IDN labels end up in contention sets? Could allowing applicants in contention to change the applied for string mitigate this risk?
- On Thursday, 26 August, the EPDP Team received an overview of the denial of service and misconnection failure modes to provide additional context for the small group's recommendation for the "hybrid" model approach to the String Similarity Review. See [slides](#) for examples.
- Some EPDP Team members responded to the presentation that the examples provide greater clarity about the concerns regarding blocked variants, but that operational concerns must also be taken into consideration. This group wants to support the successful launch of additional IDN gTLDs. The hybrid model introduces additional process complexity including analysis by human evaluators, resulting in extra costs that may be passed on to applicants.
- Some EPDP Team members emphasized that in their view, ill formed and mixed script blocked variants may be able to be eliminated from String Similarity Review and any objections processes including blocked variants.
- Some EPDP Team members supported the idea that risk analysis and cost/benefit analysis could be used to analyze the relative benefits of the hybrid model with respect to misconnection risk alongside potential operational implications. The leadership team agreed to seek additional data and tools to support such an analysis.
- On 13 October, the EPDP Team reviewed the views of each of the groups with respect to the hybrid model and noted that overall, there appeared to be some level of support, with specific caveats from some groups (see slides 8-12 [here](#) for details). The EPDP Team agreed to revisit this issue after it receives input on the topic from ICANN org, which will provide additional insight on the implementation aspects of the potential recommendations.
- On 8 December 2022, ICANN org presented metrics demonstrating the potential implications of the different models: Level 1, Level 2, Level 3, and hybrid. See slides [here](#).
- Takeaways from the analysis include the following:
 - The mitigation of confusion risks will likely be enhanced from Level 1 to Level 3, but the cost of operating the String Similarity Review will likely increase from Level 1 to Level 3
 - The added costs will likely be passed onto applicants, given the cost recovery principle
 - Hybrid model is a compromise between Level 2 and Level 3 in reducing computational complexity involving blocked variants

- The EPDP Team also reviewed a process flow diagram demonstrating which steps in the application and preview process would be impacted by the decision about which model to use (for example, where the hybrid model comes into play if it is recommended by the group. The objective of reviewing this diagram is to help in understanding the operational and cost implications.
- The EPDP considered the following written org input: “With added complexity, there is a high probability that the cost will also increase, and that those costs will be passed on to applicants given the cost recovery nature of the program.”
- Org also noted that increasing complexity of the review is associated with increased costs but also longer periods of time to complete the work.
- On 22 December 2022, The EPDP Team laid the groundwork for conducting a risk assessment exercise to assess the inherent risk level of the two failure modes involving domains (Denial of Service / No-Connection and Misconnection), understand whether the mitigation measures are commensurate with the risks, and assess the residual risk level after factoring in the mitigation measures. The mitigations measures under consideration:
 - Option 1: String Similarity Review Hybrid Model
 - Option 2: String Similarity Review Level 2 + String Confusion Objection Using the Hybrid Model
- The EPDP Team reviewed [slides](#) outlining the parameters of the proposed exercise and asked clarifying questions on the exercise. In the course of the review, some EPDP Team members expressed that it may be challenging to assign numerical values to risks that are difficult to quantify. The leadership team clarified that risk assessment is not always based on hard data and often relies on professional judgment. This exercise helps to validate other work that the group has already done on this topic using professional judgment, but using a different lens.
- On 5 January 2023, the EPDP Team continued its discussion of the risk assessment model. In the course of this discussion, WG members noted and discussed that the likelihood of risks may vary from person-to-person and also depending on other circumstances. It was noted, for example, that some scripts have a higher risk of confusability compared to others. It was also noted that the level of risk may change over time as more variants are introduced into the root.
- In the course of exploring the differences between scripts and variability of risk, the EPDP Team found that there may be different needs with respect to String Similarity Review based on script of the applicable strings and possibly other factors. The EPDP Team converged on the idea that Level 2 should be the minimum standard, but that the hybrid model may be appropriate in some cases. The EPDP Team reached preliminary agreement to recommend that Level 2 must be applied, and the hybrid model may be applied for the String Similarity Review. The framework for applying these models can be developed in implementation, but the EPDP may choose to provide implementation guidance about the framework with its recommendations.
- On 11 March 2023, a question was raised about why it is the case that only two character strings are compared for potential confusability with two-character ASCII

strings. It was noted that single character or three character strings could also potentially be confusable with ISO 3166 codes. The EPDP Team noted that the existing rule is derived from the AGB and SubPro recommendations, but the EPDP Team will give this issue further thought.

- The EPDP Team also agreed to incorporate into the Initial Report a visual representation of the hybrid model developed with EPDP Team member Dennis Tan.

e3a) After a requested variant string is rejected as a result of a string similarity review, should the other variant strings in the same variant set remain allocatable? Should individual labels be allowed to have different outcomes/actions (e.g., some labels be blocked and some be allowed to continue with an application process)?⁶

High-Level Notes:

- The current scope of EPDP discussion of this question was limited to future new gTLDs going forward.
- The team discussed two possible scenarios related to the outcome of an applied-for variant string getting rejected as a result of a string similarity review: 1) only the applied-for variant string is rejected while the other allocatable variant labels continue to remain allocatable; 2) the entire variant set including the applied-for variant string is rejected. The team had split views.
- One member emphasized the need to think through the idea of atomicity of the variant set (i.e., the whole set of variant labels is inseparable). If the application of the set is treated as an atomic whole, the evaluation of the set should be treated the same way. Once the set is split up, we may run into potential issues about how the variants are conceptualized.
- Another member emphasized that the string similarity review is a visual test. How can you justify rejecting a string if it's not visually confusingly similar to another string? In that logic, where the applied for string is rejected, the other allocatable variants should still be eligible for activation unless they are also confusingly similar.
- After extensively discussing the approach to string similarity review in response to Charter Question 3, the EPDP Team returned to discussion of Charter Question E3a on 12 January 2023. The EPDP considered the potential implications of two distinct approaches (thoughts) drawing on a series of use cases:
 - Thought 1: The variant set should be treated as one unit and all labels in the set should face the same consequence of String Similarity Review
 - Thought 2: The labels in the variant set should be treated as individual labels and could face different consequences

⁶ The Staff Paper recommends that the following outcomes may be considered: 1) only the variant string requested for delegation is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected while t1v1 and t1v3 from the same variant set continue to remain allocatable; or 2) the entire variant set is rejected. For example, the requested variant t1v2 of top-level label t1 will get rejected including t1v1 and t1v3 from the same variant set as t1v2. This outcome appears to be difficult to justify, though an applicant could decide that, if it cannot receive t1v2 then it does not wish to proceed with the application. See Section 3.8.2 in the Staff Paper, pp.21:
<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>

- In examining the use cases, the EPDP converged on the idea that Thought 1 is the appropriate guiding principle, consistent with the principle of conservatism. At the same time, some EPDP Team members expressed that Thought 2 could potentially inform the development of Implementation Guidance to the panel evaluating applications.
- Some EPDP Team members expressed that Thought 2 could be taken into account if an evaluation decision was appealed.

e4) Under current procedures, resolution of string contention for applied for gTLD strings may include components such as a settlement between the parties, a community priority evaluation (if a community-based applicant in a contention set elects this option), and an auction. SubPro PDP affirmed these components while proposing recommendations and implementation guidance to enhance the mechanisms for string contention resolution.⁷

The WG and the SubPro IRT to coordinate to ensure consistency in the implementation of the **string contention resolution** mechanism for variant label applications of existing and future new gTLDs.⁸

- For the purposes of addressing Charter Question e4 the EPDP Team considered the following specific questions:
 - Q1: Should a recommendation be developed to explicitly specify that two applied-for strings that are each other's variant according to the RZ-LGR must be placed in a contention set? (e.g., applicant A applies for 滙豐, and applicant B applies for 滙丰)
 - Q2: In the contention set, if one of the labels is already allocated, should the contention be resolved in favor of the entity that possesses the already-allocated label?
 - Q3: Should the entire variant label set (including all allocatable and blocked variants) be processed in the contention set, as opposed to the only applied-for strings?
- In response to Q1, EPDP Team members noted this would be a natural conclusion of the same entity principle. From one perspective, it does not hurt to provide specific guidance on this point to ensure that implementation is consistent with the intent of the EPDP's outcomes.

⁷ See "Topic 35" in the SubPro PDP Final Report, pp. 173-182:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=173>

⁸ For contention issues that involve the same entity, the Staff Paper suggests that the following resolution options may be considered, with a preference to the second option: 1) When the requested variant strings are placed in a contention set for later evaluation, the applicant is notified of the contention set and has the opportunity to establish that both applications are from the same entity. 2) It may be more efficient to establish early on in the string similarity review that the variant strings are being requested by the same entity prior to reaching the contention phase. See Section 3.8.2 in the Staff Paper, p. 21:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jan19-en.pdf#page=21>

- For Q3, based on the conclusions drawn on Charter Question e3a, the EPDP concluded that it would be logical to answer “yes” to this question.
- For Q2, based on the conclusions drawn on Charter Question e3a and Q3 above, the EPDP concluded that it would be logical to answer “yes” to this question, as well.

e5) The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: should the reserved strings ineligible for delegation for existing and future gTLDs be updated to include any possible variant labels? Consider this question by taking into account the data to be collected in the “Data and Metric Requirements” section of this charter.

High-Level Notes:

- Staff [presented](#) on the background on the Reserved Names and Strings Ineligible for Delegation, including their recent development and implications for future rounds.
- Staff may need to investigate other additional categories of TLDs, including numeric, single and two character ASCII, and single character IDN strings mentioned in the 2012 AGB.
- The IDN “[test](#)” strings are currently not delegated but remain reserved.
- All Reserved Names, except for the IDN “test” string, are ASCII strings that don’t have allocatable variants.
- The IGO/INGO identifiers are currently not available for registration at the second level, and in the subsequent rounds they will also be ineligible for delegation at the top level.
- For Strings Ineligible for Delegation, going forward, there will be an exception procedure that would allow a party to apply for their own strings. These strings ineligible for delegation would not be included in the string similarity process. It is protection for the precise terms on the list and only preventing delegation of those precise strings.

Discussion of “Reserved Names”:

- There is some support for checking the variants (including the blocked variants) of the Reserved Names in the String Similarity Review, as well as creating a clear definable set of variant labels of the Reserved Names. The blocked variants of Reserved Names may come into play if the EPDP Team recommends that string similarity review should include blocked variants.
- The variant labels of the Reserved Names can be generated, but the list could be in the thousands or tens of thousands. Usually if an ASCII label has certain vowels and about 5-6 characters, it can generate a large number of blocked variants.
- Some members believe the number of blocked variants is not an issue of concern. If they are blocked, no one would want those variants and there is no negative impact to the market. If the atomicity of variants can be preserved without hurting the gTLD market, a more conservative approach should be the way to go. If the EPDP Team recommends that all variants of Reserved Names are blocked, the evaluation panel just needs to run the LGR tool to check if there is a variant relation with the Reserved Names for the

applied-for label. The LGR tool does not care whether the number of variants is 2 or 20,000 as long as those variants are blocked.

- Leadership team and staff to consider next steps on data collection regarding variants of Reserve Names, to guide the EPDP Team discussion of how security and stability benefits weigh against the complexity of implementing.
- ICANN org staff presented on the [data](#) related to the variant labels of Reserved Names by running them through the RZ-LGR. Some labels have hundreds of thousands of variant labels (all of which are blocked).
- Some members believed that if the Reserved Names list is to be expanded, only the variant strings that could actually be applied for should be included (e.g., mixed script variant strings are not allowed). However, the team recognized that if some variants of Reserved Names are added to the Reserved Names list, they need to be checked against during the String Similarity Review; it means that every applied-for string will be compared against a much larger pool of Reserved Names.
- Members discussed an example of a string that is a variant of a Reserved Name but not be considered visually similar, and its potential impact. Example: ßac and ssac are variants; if BAC and ßac are considered visually similar, should it be possible to apply for BAC? From one perspective, it should be possible and we shouldn't block BAC just because ßac is a variant of ssac.
- The Staff report suggested a coherent analysis looking at all the possible TLD strings across all categories rather than offering one approach for an applied-for string and different rules for Reserved Names.
- The group converged on the idea that the Reserved Names list should stay as is and no variants of Reserved Names should be added to the list. To the extent there is an interest from certain groups to extend the Reserved Names list, they can follow the specific process.
- Rationale for this idea includes that the reserved strings are reserved for a purpose. If an application looks like the reserved name, this will be addressed in the string similarity review. If there is a variant that looks different from the Reserved Name, it should not be taken into account in the string similarity review. Adding to the Reserved Names list should not be taken lightly. A lot of thought went into making this list. The trend over time has been to limit the Reserved Names.
- The group also converged on the idea that all variants of the Reserved Names will be automatically blocked. For example, ßac (variant of ssac) should be blocked even if it would not have been caught in the string similarity review because it is not visually similar. There may be old browsers that might format the string ßac into ssac which may cause a real problem.

Discussion of "Strings Ineligible for Delegation":

- Would extending preventative protections for variants
 - Circumvent the careful work of the IGOs PDP?
 - Extend rights beyond those that are expressly identified in relevant treaties?
 - In other words, are variants for these strings in scope for the IDN-EPDP?

- It is important to make the distinction between reserved names and strings ineligible for delegation and consider that different treatment may be appropriate for the two groups. Strings ineligible for delegation are limited to exact match, so the EPDP Team may not be in a position to extend these rights. Given the sensitivities around this topic and the finite nature of this list, is there an argument/rationale for protecting variants of such strings?
- One member believes that the variant labels of the Strings Ineligible for Delegation need to be blocked as well. If the variants are not protected, the first-come first-serve rule may not create a fair situation and the IGOs potentially won't be able to access their variants.
- Some members commented that there is an existing policy/procedure to extend the list of strings ineligible for delegation. To the extent there is an interest from those IGOs and INGOs to extend the list, they can follow the specified process.
- However, some members believe that there needs to be a consistent way to treat variants across all strings and focus more on the issue in a principled manner, and less on the number of variants of those protected strings.
- One of the fundamental principles is that a primary label and its variants are allocated to the same entity. If protection is not extended to the variant labels, there is a possibility that a variant is allocated to an entity that is different from the IGO or INGO and that entity may take the original label away from that organization, which breaks that principle and is a significant change.
- Therefore, some members suggest blocking all variant labels of the strings ineligible for delegation. And to avoid a long list, the list only contains the original strings ineligible for delegation, and link to a resource for calculating the variants that should be blocked.
- Some other members pointed out that the names that are ineligible for delegation are not reserved for the organization. If ineligible for delegation, it's ineligible for all. They suggest that the work on the IGO-INGO names that took years to complete should not be modified. The GNSO Council should weigh in on whether this is in scope for the EPDP.
- A possible approach was discussed by the EPDP Team: similar to Reserved Names approach, exact match allocatable variants are blocked from application, but not added to the list of strings ineligible for delegation. Variants are only available to relevant entities and if they decide to apply to activate, the application must include the primary strings. Lastly, make clear that preventing variants from application is NOT an expansion of rights.
- Some member shared the view that there is no need to escalate this question to the GNSO Council and the GAC to understand whether it is within scope for the EPDP Team to tackle. Note that the IGO PDP's recommendations are still not implemented at the top-level, also there is a change process for relevant IGOs/INGOs to modify the list of protected strings, so variants can be added through such a process.
- Some other view is that someone may apply for a string that is confusingly similar (not an exact match) to a variant of a protected string, which may block the relevant entity from activating such a variant.

- On 1 September 2022, the EPDP Team returned to this Charter Question. The EPDP Team received additional context on strings ineligible for delegation, including examples, (see [slides](#)).
- EPDP Team members reviewed the options (see [slides](#) for additional context on the rationale for each option):
 - Option 1: Keep the list of strings ineligible for delegation intact and NOT to update it to include their variants
 - Option 2: Keep the list of strings ineligible for delegation intact and NOT to update it to include their variants. Prevent applications for all variants of the protected strings. Variants can only be applied for by the relevant organizations AND as part of a 'set' that includes the primary string on the list.
- From one perspective, according to the RZ-LGR, all variant labels in a set must be allocated to the same entity. If we allow a variant label to be allocated to a third party, the NGO or INGO will not be able to apply for the original label. If we allow that, it will eventually break the variant set.
 - As additional context, it was noted that the primary focus of the IGO recommendations is preventative – to prevent the use of these strings by other entities. The exception procedure is secondary.
- From another perspective, at the time the list was created, the RZ-LGR did not exist and was not factored in. Because the list was developed by a rigorous process, by adding the variants, there is concern that we are creating additional rights. The strings already protected are protected based on treaties and existing lists. The variants have not been pulled from an existing list. It could be the responsibility of the NGO/INGO itself to be responsible for monitoring when a variant is applied for. From this point of view, it is important that we are respectful of other policy recommendations from other groups. It may be perceived badly if an application is blocked due to a variant relationship and there is a feeling that rights have been extended as a part of this process.
- EPDP Team members considered if there could be some middle ground between the two options, for example keeping the list as it is, but for each string we compare each applied for string and its variants with this list.
- The leadership team noted that the EPDP Team appears to be trending towards option 2 and took an action item to draft proposed language reflecting this preliminary outcome.
- On 2 March 2023 The EPDP Team discussed outstanding items related to two draft recommendations:
 - [Original] Recommendation 3.2: The Reserved Names list should not be expanded to include variants.
 - [Original] Recommendation 3.3: No application for a variant of a Reserved Name is allowed.
- [Staff Question] Can a gTLD visually similar to a variant of the Reserved Name be applied for? If so, is there any existing mechanism to catch such an application?
- [Dennis Tan's Input] We may need to revisit this part of the rationale since it argues for a practical solution since blocked variants can never be delegated and they don't need be part of the string similarity process — It argues against the Hybrid Model: "...The EPDP Team recognized that if the Reserved Names list were to expand by including the

variants, all of the added variants (almost all of which are blocked and can never be delegated to the rootzone) also need to be checked against during the String Similarity Review. It means that every applied-for gTLD string would have been compared against an enormous pool of Reserved Names. Therefore, the EPDP Team agreed that the Reserved Names list should stay as is and no variants should be added. The implementation complexity of adding variants to the Reserved Names list would have outweighed the potential security and stability benefits, if any.”

- It was suggested that the same rules should apply for consistency.
- It was noted that the rationale quoted above was developed before the hybrid model was agreed to, which is why we might need to revisit this language for consistency.
- Currently, the hybrid model only compares against the Reserved Names list, not the variants. If changing the approach for Reserved Names, the group might need to adjust hybrid model.
- It was suggested that there is a difference between ICANN-imposed reserved names versus the RO’s reserved names. However, we are talking about the top-level here. Need to be clear which list we are talking about.
- It was agreed that the EPDP Team would return to this question.

e6) The WG and the SubPro IRT to coordinate and consider the following questions in order to develop a consistent solution: is there any reason to permit the registration of gTLDs consisting of decorated two-character Latin labels which are not variant labels of any two-letter ASCII labels?⁹ If so, rationale must be clearly stated.

High-Level Notes:

- On 10 November 2022, the EPDP Team discussed the background and relevant context for this charter question, as presented in the [meeting slides](#).
- It was noted that per the 2012 Applicant Guidebook: Review of 2-character IDN strings — In addition to the above reviews, an applied-for gTLD string that is a 2-character IDN string is reviewed by the String Similarity Panel for visual similarity to:
 - a) Any one-character label (in any script), and
 - b) Any possible two-character ASCII combination.
- SubPro Affirmation 24.2 was also reviewed: Subject to the recommendations below, the Working Group affirms the standard used in the String Similarity Review from the 2012 round to determine whether an applied-for string is “similar” to any existing TLD, any other applied-for strings, Reserved Names, and in the case of 2-character IDNs, any single character or any 2-character ASCII string. According to Section 2.2.1 of the 2012

⁹ The ccTLD labels in the root depend on an external registry (ISO 3166) that allocates alphabetic codes to countries. In order to ensure that no conflicts with future assignments by ISO can happen, ICANN has traditionally also maintained a restriction against the use of two-letter TLDs for all Latin script letters; no variants should be generated for ccTLDs based on the ISO3166 codes. This principle is also reaffirmed by the SubPro PDP. See Recommendation 21.6 in the SubPro Final Report, p.95:

<https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf#page=95>

Applicant Guidebook, “similar” means “strings so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone.” In the 2012 round, the String Similarity Panel was tasked with identifying “visual string similarities that would create a probability of user confusion.”¹⁵⁵ The Working Group affirms the visual standard for determining similarity with the updates included in the recommendations below.

- The EPDP considered that the current process is that any application for a two-character string, regardless of script, will be evaluated for visual similarity to a two-character ASCII combination. The SubPro affirmation indicates that this will also be the case in future rounds.
- Working Group members expressed that it is not logical to make a recommendation specifically for the Latin script, when other scripts like Cyrillic may raise similar issues.
- It was noted that the recommendation could be made for a category of scripts, for example alphabetic scripts. It was noted, however, that for some alphabetic scripts, only a small set of characters may run the risk of confusing similarity with ASCII characters, so a blanket prohibition may not make sense.
- Ultimately, EPDP Team members agreed that it is most logical to rely on the existing process of using the string similarity review to catch any potential applied for strings that may be confusable with a two-character ASCII combination and avoid adding any prohibitions on two-character labels in specific scripts.

e7) Besides the objection process, string similarity review, and string contention resolution, what other ICANN policies and procedures should be updated to enforce the “same entity” rule and the use of RZ-LGR as the sole source to calculate the variant Labels and disposition values?¹⁰ See the list of ICANN Consensus Policies here:

<https://www.icann.org/resources/pages/registrars/consensus-policies-en>

High-Level Notes:

Strawman Process

- This question is intended as a catch-all question regarding the implication of the new gTLD application round, but it is also related to the discussion of whether existing eligible gTLD registry operators should have a stand alone round to apply for variant labels. Hence the strawman process comes into play.
- The flow chart is a reproduction of the process flow in the 2012 AGB. Some of the elements were not included for the simplicity of the document. A suggestion to include those elements (e.g., application comments, GAC early warning/advice, submission of objection), and not to miss some important elements in the actual process flow/timeline.

¹⁰ IDN Variant TLD Implementation Staff Paper:

<https://www.icann.org/en/system/files/files/idn-variant-tld-recommendations-analysis-25jul18-en.pdf>

- The flow chart makes an assumption that all “new” processes recommended by SubPro are to be included. A suggestion to include the new processes recommended by SubPro in this flowchart, but at a minimum, flag them (e.g., registry back-end pre-evaluation, challenges, appeals, etc.).
- When layering these elements with EPDP’s preliminary recommendation, the team may be able to detect gaps and develop additional recommendations / implementation guidance, if appropriate. The next step is to include relevant preliminary recommendations in the flow chart.
- Another suggestion to number the boxes in the flowchart for easier reference, and map the charter questions to the boxes.
- Evaluation elements for variant labels of TLDs with restrictions (e.g., community, Geo, Category 1, Brand)

Evaluating Variants of Strings with Restrictions

- The Working Group considered the connection to Charter Question B5, which focuses on the principle for treatment of non-standard TLDs. For B5, there was preliminary agreement that variants should be considered different versions of the same string, bound by the same restrictions.
- The Working Group reviewed elements of the evaluation process related to Community-based TLDs, Geographic Names, Brand TLDs, TLDs Subject to Category 1 Safeguards.
- The Working Group discussed whether variants should be 1) bound by the same evaluation process and 2) be required to meet the same criteria. If not possible to meet criteria, the Working Group considered alternate treatment.
- Some support was expressed for the idea since the primary and variants will likely be considered a single application, it may make sense that the evaluation criteria and process should be applied against the variants. If a variant does not meet the requirements, it should not be allocated.
 - It was noted that there are distinctive characteristics for the different process elements associated with non-standard types:
 - For community applications, it may not always be possible for a community applicant to meet the stringent requirements for Community Priority Evaluation for variants. Therefore, it may be better to consider the strings as a set, not individually require each to pass CPE. Variants could potentially be subject to a lighter weight evaluation process/requirements. From one perspective, a letter of support may be submitted for the form that is relevant to their language community, but it should apply to the entire application (set). One EPDP Team member suggested that where support letters are needed, the letter should reference the entire set.
 - From one perspective, the letter of support requirements for geo names should also apply to allocatable requested variants. In other words, the entity should also explicitly provide support for the variants. This would ensure that potential sensitivities around specific variants are taken into account.

- It was noted that the variant may not strictly meet the requirements of a geographic name as defined in the AGB, but still might need to be considered from a usability perspective. Example: For a city name in Arabic, the variant may be in Urdu, Pashto, etc.
- It was noted that a government may not be in a position to endorse a particular variant.
- It was noted that for .brand TLDs, a TM is required, but the variants may not have TMs. From one perspective, the solution could be to disallow from application variants that are not trademarks as there is no standing to treat as a brand name if it doesn't have TM backing.
 - The working group considered that after looking at specifics, it may be able to apply general rules using the principles applied in other parts of the group's outputs.
- On 19 January 2023, the EPDP reviewed draft outcomes on this topic that will serve as the basis for recommendations (see [slide 9 here](#)).
- In discussion, EPDP Team members reaffirmed the support for the idea that the same conditions need to apply for variants of GeoTLDs and Communities that apply for the primary, including documentation requirements. A suggestion was raised that it could be possible to have exceptions for existing ROs that already have a primary string in operation from the last round and apply for variants in the future. EPDP members generally did not support an exception.
- With respect to variants of .Brand TLDs, the EPDP Team considered the following questions for ICANN org: "Given that a .brand TLD must be identical to a registered trademark, should the requested allocatable variant label of a .brand TLD also be an exact match of a registered trademark? Should the applicant submit proof that the requested allocatable variant label is identical to a registered trademark?"
- It was noted that under trademark law, the rights are attached to one, distinctive mark. The concept of variants does not exist in trademark law. The EPDP noted that additional input from the IPC may be necessary to come to a resolution on this item.
- Some EPDP Team members noted that based on conservatism principle, the applicant for the variant will need to present the same requirements to go through the application process in the case of a brand. While a whole variant set will be withheld for the same entity, only those that meet the requirements can be activated.
- There was some support expressed for this approach.

Singular/plural versions of a word

- Following the suggestion by one EPDP Team member that the group should consider whether recommendations are needed with respect to SubPro outputs on singular/plural versions of a word, the EPDP Team reviewed SubPro Recommendation 24.3, Implementation Guidance 24.4, and Recommendation 24.5.
- Some EPDP Team members flagged that had they been a part of SubPro, they might have suggested a different approach to the recommendations. For example, one EPDP Team member questioned why the recommendations are limited to singular/plural and not other morphological phenomenon. Other EPDP Team members raised questions

about the specific implementation and how the outputs would be put into practice. The EPDP Team agreed that both of these items are out of scope for the EPDP Team.

- No specific concerns were raised with respect to the possibility of the EPDP Team affirming the SubPro recommendations, and therefore the EPDP Team is leaning in the direction of doing so.