GNSO Council Comments on Draft Implementation Plan for IDN ccTLD Fast Track Process

The GNSO Council welcomes the opportunity to provide comments to the Draft Implementation Plan for IDN ccTLD Fast Track Process ("Draft Implementation Plan"), and congratulate the ICANN staff on producing a comprehensive document for discussion.

The Draft Implementation Plan has provided a good starting point for ICANN community-wide discussion on several critical issues not covered by the IDNC WG Final Report, including effective mechanisms to enforce the overarching requirement of preserving the security and stability of the DNS and the ongoing compliance with the IDNA protocol and IDN Guidelines. Issues raised in Module 7 of the Draft Implementation Plan have substantial impact to the community at large. The GNSO Council believes that these issues must be thoroughly considered and resolved through balanced ICANN community-wide participation before the IDN ccTLD Fast Track Process can be implemented.

As a preliminary response to the various issues raised in Module 7, the GNSO Council draws upon and adapts from previous considerations related to the issues:

1. Ensuring ongoing compliance with the IDN technical standards, including the IDNA protocol and the IDN Guidelines

    Operators of top-level domain registries for IDN TLDs representing territories designated by the ISO 3166-1 list should be required to follow the ICANN IDN Guidelines in the same way as gTLD registries that offer IDNs. Without some form of expressed understanding between a Fast Track IDN ccTLD and ICANN, it is not clear how the overarching requirements for IDN deployment, including continued compliance with the IDNA standards and the ICANN IDN Guidelines could be enforced.

2. Possible establishment of financial contributions.

    Similar to the New gTLD considerations, the IDN ccTLD Fast Track implementation should be fully self-funding (costs should not exceed fees; existing ICANN activities regarding technical coordination of names, numbers and other identifiers should not cross-subsidize this new program). ICANN should have a contract or some other form of agreement with the IDN ccTLD operator that includes appropriate technical, operational and financial requirements.

3. IDN ccTLD operator association to the ICANN community.

    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.

4. Compliance with consensus policies.

    In considering the introduction of a limited number of non-contentious IDN ccTLDs ICANN must consider the overarching requirement of ensuring the security and stability of the

Internet.

5. Prevention of contention issues with existing TLDs and those under application in the gTLD process.

    Confusingly similar strings should be avoided. Fast Track IDN ccTLD strings must not be confusingly similar to existing TLDs.

It is important to note that the above responses are not exhaustive and were extracted from previous discussions related to but not specifically on the issues raised. For example, issues 2, 3, 4 and 5 exposes substantially new concerns that have not been comprehensively considered by the community. The GNSO Council therefore believes that a more comprehensive discussion among the GNSO community (and the ICANN wide community for that matter) should be ensued for the specific issues raised in the Draft Implementation Plan.

Besides issues that were raised in Module 7, the GNSO Council would like to reemphasize its comments on the following points:

*   Module 3, section 3.2 (Page 7) Meaningfulness Requirement, describes the mechanism for considering the situation where a proposed Fast Track IDN ccTLD string is not listed in the UNGEGN manual: "Submission and presentation of documentation from an internationally recognized linguistic expert or organization stating that the requested string meets the criteria." The proposed mechanism provided little structure for implementation. It is unclear how a document from "an internationally recognized linguistic expert" could fulfill the premise of the fast track introduction of non-contentious IDN ccTLDs. 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.

*   In Figure 5.2 IDN Fast Track Implementation Process (Page 23), the decision process for the Linguistic Process Check is not specified. In Module 5, section 5.5.2 String Confirmation Process, the process was described as follows: "The String Confirmation process is initiated with a validation that the process for self-certification of linguistic requirements is completed. The requestor will be consulted if issues are found and clarification will be sought. ICANN Staff is working on providing a support function to the requestors for linguistic support. Details of this are yet not available." Because it is unclear how this critical issue will be managed, meaningful comment to the matter cannot be returned from the community until such details are presented.

*   In Module 5, section 5.4 (Page 18-19) Termination Criteria for Submitted Requests, no consideration was provided for termination due to the requested string being confusingly similar to an existing TLD or already applied for in the new gTLD process. As a matter of maintaining the stability and security of the DNS, confusingly similar strings at the TLD should be avoided.