Report of Public Comments

Title:	IDN Variant TLD Program – Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels – Second Public Comment Draft
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Prepared By:	IDN Variant TLD Program

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Section I: General Overview and Next Steps

This public comment was opened to gather community feedback on the final draft of the proposed process for the "Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels".

The project team, which includes expert consultants and a global team of volunteers, created a first draft document that was published for public comment in September 2012. Comments received, community feedback gathered during the ICANN Toronto meeting and multiple project working sessions concluded with the refinement and the publication of the current new draft of the root LGR Procedure document.

Comments received in this forum will be incorporated into the final document representing the LGR Procedure document that, subject to Board approval, will follow on with the initiation of IDN Variant TLD Program implementation steps.

Section II: Contributors

At the time this report was prepared, a total of [number] (n) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
Chinese Domain Name Consortium	Hongbin 朱鸿斌	CDNC
AT-LARGE ADVISORY COMMITTEE	ICANN Policy Staff in support of ALAC	ALAC

Individuals:

Name	Affiliation (if provided)	Initials
John C Klensin		JCK
Rajuks		R

Section III: Summary of Comments

(JCK)

John Klensin observes that the proposal is a reasonable one if one starts from the founding assumptions of the proposal, but objects to the founding assumptions. He agrees with the need to determine which code points, from all the possible ones permitted in IDNA2008, are appropriate for the root. He objects to the idea that variants in general are appropriate in the root zone, though allows that some specific cases might be acceptable. He argues that the correct approach is more in line with the "Katoh report". He objects to the code point orientation of the proposal, arguing that it is inappropriate for most cases. He argues that the proposal will not meet community expectations, and that it is too technocratic to be in keeping with the norms and standards of the ICANN community. He suggests that the proposal's approach to dispositions is at least confusing (because it is character by character). He questions the way the proposal avoids the problem of visual similarity. He points out the way the proposal necessarily discriminates against minority languages that are not currently active in the ICANN community. He observes that there is inevitably a danger presented by the interaction of currently-active IDN applications (not covered by whatever comes from this process) and this proposal. He then summarizes by noting the level of risk, and attempts to emphasize the danger that he observes coming from accepting such risks without mitigation.

(CDNC)

The CDNC begins by praising the report in general, but then observes that the proposal as it stands is bound to take some time to complete; and, that time itself presents a risk to the successful and useful deployment of IDN applications already underway. The CDNC therefore suggests four improvements. First, existing consensus practice should be adopted wholesale where it is in evidence. Second, CDNC requests additional regulation of the integration panel's working; moreover, it proposes elections of the integration panel from different linguistic groups. Third, CDNC argues for the Preferred Variant approach, in which a variant label is not only allocatable, but indeed required to be delegated. Finally, CDNC argues for a very short timetable for some work, with the relevant generation panel and the integration panel being prepared to work in April of 2013.

(ALAC)

The ALAC beings by praising the work of the team so far, and expresses support for the two-panel approach in general. The ALAC calls for widespread translation of materials related to variants. The ALAC expresses concern about the availability of suitable candidates for the integration panel, and suggests that ICANN has a role to play in ensuring adequate expertise in this area. The ALAC argues that the proposal needs additional transparency and accountability for the integration panel, and that the entire operation actually ought to be subject to the oversight of the various ICANN Supporting Organizations. The ALAC urges quick action as well as clarity on how the various TLD determination mechanisms interact with one another.

(R)

The individual signed as Rajuks (email local-part srajukanumuri) observes that any resulting LGR should not serve a criminal agenda, but should be in the service of all people.

(General observation)

Three of the foregoing public comments raise the issue of the technocratic control that the proposal invests in the integration panel.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

(JCK) It is difficult to know how to respond to John Klensin's comments, especially where they are not in disagreement with the details of the proposal so much as they in disagreement with the very premise of this work or where they identify risks in general. We believe the report cannot for the most part be altered to address concerns on that level.

We agree with his assessment that the LGR represents a superior procedure for handling the IDNA 2008 mandated code point review. We further agree that the way variant evaluation is described appears more focused on code point concerns than is properly the case for linguistic reasons. All of the history around variants, however, has relied on the JET-inspired code point tables, with various alterations. To create a completely novel mechanism for the root would itself constitute a risk, because there would be no experience with such a mechanism. That would accordingly be itself a violation of the Conservatism Principle.

We agree with his comments in that the purpose of variant evaluation is to "spare ICANN and its stakeholders and participants the risks and costs of difficult, case-by-case decisions". Although, a better positioning of the LGR work in the context of the application and review process might be beneficial, this might be difficult to achieve in the context of this document. The primary benefit of the LGR process is as a mechanism that delivers those aspects of label and variant evaluation that are not properly the subject of case-by-case analysis. By doing so, the process may not be able to replace case-by-case analysis altogether – there will still be a role for String Similarity Review, for example – instead the LGR process is designed to clear the table of all the straightforward, non-subjective cases, mainly by returning a "blocked" disposition. We agree that even for visual similarity, there is a subset of evaluation rules that could be applied in an automated manner, obviating the need for further case-by-case or even contextual review. The LGR process as drafted would allow such rules, though actually mandating that it do so is beyond the scope of this project.

We implicitly agree with much of the skepticism towards implementing (active) variants in the root. It appears to us, however, that many of Dr Klensin's comments overlook the function of dispositions in the proposal. Many of the comments seem to apply only to allocatable variants. As a general matter we agree that the number of allocatable variants should be minimized. But the LGR is also a way to identify blocked variants. We believe it possible to simplify the evaluation of new candidate labels by maximizing the generation of blocked labels.

While we understand the appeal of treating visual confusability along the same lines as other types of variants, we note that ICANN already has a procedure for dealing with visual confusability. Therefore, we have restricted ourselves to other variant cases, but encourage future development of the visual confusability procedures to take advantage of the structure we propose.

(CDNC) In general, the proposal intends to facilitate community participation and involvement, and so existing practice should be a pre-eminent, though not exclusive, guide to decision-making: that is why the Generation Panels are so important. Because the integration panel's job is not actually related to any particular linguistic group, it does not appear to us that additional legitimacy will accrue from election of the panel members. Indeed, the opposite could be the effect, as majority languages swamp the influence of minority languages. We acknowledge the difficulty regarding the operation of the integration panel, but observe that it is impossible to offer a completely general integration panel for all languages while yet constraining its freedom of action in any useful way. (See also the general discussion below of integration panel oversight.)

We do not see any way that ICANN could in general require delegation and proper operation of any label where an applicant did not wish to operate, and so we do not see any way to require the preferred variant approach in the LGR process. Since the worst that could happen under the proposal is that preferred variants simply fail to work, the worst that can happen is that expectations will not be fulfilled. We anticipate that any (for example) simplified-Chinese-label operator would always want to activate any allocatable traditional Chinese variant label. Therefore, we suppose that practical considerations make the current proposal practically and functionally acceptable even when it is not culturally ideal. In any case, decisions about allocation are not part of the work of this Procedure.

We support the CDNC's suggestion that urgency is needed, but believe the document needs no modification in accordance with this suggestion.

(ALAC) The project team is always pleased to support calls for wider translation to encourage wider participation. We agree with the risk with respect to the population of possible candidates for the integration panel; see below for a general consideration of the issue, as well as the issue of the governance of the integration panel. We agree that nobody could observe the history of the IDN issue without lamenting the time it is taking, and without recognizing that it is now important to move deliberately but quickly.

(R) The project team strongly agrees that the LGR must serve the needs of all, and not some cabal.

(General) An important theme in the comments has been a concern about oversight and appeal of the decisions of the integration panel. We acknowledge this as a vexing issue. On the one hand, ICANN processes work best when they are based on open, transparent, and appealable processes that are subject to several layers of review. On the other hand, the work of this project proceeds from the premise that there are facts of linguistics, writing systems, and Unicode that combine to make decisions poorly suited to socio-political negotiation and better suited to technical evaluation. Those decisions are nevertheless socio-politically fraught.

It is not clear what to do under these circumstances. If one adopts, as the ALAC suggests, the position that the integration panel's output is subject to the supervision of the Supporting Organizations (SOs), one is immediately confronted with the difficulty that the SOs in general are unlikely to have the technical acumen to evaluate the arguments of relevant experts.

ALAC in its comments acknowledges this issue by admitting that there may be a compelling overriding rationale for preserving the independence of the Integration Panel. We believe that there are in fact overriding concerns that make an independent Integration Panel the best compromise, particularly in the light of three possible alternative outcomes.

If the Integration panel is not independent, issues are either reduced to political disputes, or else the SOs must obtain their own expertise (subject to the global limits on actual expertise on this topic), or else the SOs simply acquiesce in the experts' opinion, but maintain formal veto anyway. The first of these options is what the entire LGR process is intended to avoid, and if it Is to be the final appeal anyway then there is little reason to erect the LGR edifice at all. The second of these options is just impractical: there simply aren't that many people in the world who know about all of Unicode, writing systems, and the DNS to populate two competing groups of experts. We should, however, look forward to the day where that expertise is widely developed (as the ALAC recommends). The third option contains both risks and rewards. On the reward side, if the process is subject to formal objection, then manifest abuse by an integration panel can be blocked, and otherwise the entire operation obtains a measure of legitimacy not available to an expert panel of technocrats on its own. On the risk side, entirely sane and reasonable decisions by an expert panel could be held up in political bargaining.