

IDN Variants

Summary of Feedback from the Community

(15 February 2010 – 1 April 2010)

Source: The text of the comments may be found at <http://forum.icann.org/lists/idn-variants-15feb10/>.

KEY POINTS

- The applicant is requested to provide the meaning of the applied-for string, to offer context for the application, and to inform parties that might wish to comment or weigh whether to file an objection in a particular case.
- Applicants using scripts with overlapping or similar characters are encouraged to work in coordination with one another in the development of IDN tables. Visually similar characters are particularly noted due to concern about spoofing and other means by which visual similarities can be exploited and lead to user harm. However, applicants may also wish to undertake such cooperation on the basis of other forms of similarity.
- A process for handling changes to an applicant's designation of Desired and Undesired Variants will be developed for implementation prior to any variants being delegated.
- The one comment received was generally supportive of the proposed approach, with some suggestions for edits and clarification.

SUMMARY OF COMMENTS

The one comment from the INTA Internet Committee made the following points:

Process

The Committee continues to strongly encourage ICANN to reassess and restructure its public comment process to enable it to adequately consult the public as it is required to under the Affirmation of Commitments.

Inclusion of string meaning

We suggest that the applicants of IDN gTLDs should also be required to provide the meaning of the string in its native language, to avoid confusion with the usage of a similar string in other related languages using similar or the same script. For example, several Arabic and Urdu words have different meanings, while there are still some words in the two languages that have the same meaning.

Visual similarities

In Section 1.3.1 (Subsection 5) we suggest deletion of the word “visually” and the addition of the word “confusingly” to clarify that the similarities to be considered are not restricted to “visual similarities.”

Changes to desired variants

In Section 1.3.2 we suggest insertion of a provision which provides applicants an opportunity to identify and request additional Desired Variants at a later time. This was also recommended by the IDN-Implementation Working Team.

Support for requirements

The Committee is in agreement with other provisions of 1.3.2. Particularly, the Committee agrees that priority rights for new strings on the top-level should not derive from existing strings. The Committee believes that if a trademark dispute arises on account of relevant facts arising in a given case, recourse to a civil action should be available. *INTA Internet Committee (1 April 2010)*

ANALYSIS

The document posted for comment contained proposed Applicant Guidebook language covering IDN variants, based on the recommendations of the IDN-Implementation Working Team (<http://www.icann.org/en/announcements/announcement-2-03dec09-en>). One comment was submitted on this document. The comment was generally supportive of the proposed approach, with some suggestions for edits and clarification, as well as concern that there were several other documents open for comments at the same time.

ICANN's intention is to provide adequate time for stakeholders to review, discuss, and provide feedback on documents, in this case providing a comment period of 45 days. ICANN continues to seek to improve efficiencies in managing the volume of material and the developments within the community so that documents are available in the timeliest manner possible.

In response to the suggestion that applicants should be required to provide the meaning of the string, this is already incorporated in the application form (question 14b in the Evaluation Criteria in draft Applicant Guidebook v3), and noted in the bulleted list in the excerpt. This is to provide context for the application, for those parties that might wish to comment or weigh whether to file an objection in a particular case.

In the sentence "Applicants are urged to consider linguistic and writing system issues in their work of defining variant characters, and cooperate with other TLD operators that offer domain name registration with the same or visually similar characters," there is a suggestion to change "visually" to "confusingly" as similarities between characters might not be limited to visual. The reference concerns a recommendation for applicants and registries using scripts with overlapping characters to work in coordination with one another in creating IDN tables. Visually similar characters are particularly noted due to concern about spoofing and other means by which visual similarities can be exploited and lead to user harm. Groups of TLD operators have already cooperated in such instances where there are common characters. For example, the JET Guidelines (RFC 3743) provide a mechanism that allows each zone to define its own local rules for permitted characters and sequences and the handling of IDNs and their variants. Other similar efforts are underway within the community. Applicants are certainly not restricted to only undertaking such cooperation on the basis of visual similarity. However, guidelines for other types of similarity (i.e., aural similarity and definitions of characters) might be more

difficult to coordinate to a certain extent, due to the number of languages containing similar sounds and traditional contextual practices for characters of certain meanings.

The comment recommends that ICANN include a process by which an applicant could make changes to its designation of Desired and Undesired Variants. The IDN-Implementation Team’s Recommendation 5 stated that: “A process is needed for managing the delegation of desired variants, and the allocation and delegation of additional desired variants that may be identified and requested at a later time.” This process will be developed for implementation prior to any variant TLDs being delegated.

Finally, there is a proposal that recourse to civil action should be available in the event of a trademark dispute. Should a trademark holder wish to pursue it in a particular case, recourse to a civil action is always available.

RESPONDENTS

International Trademark Association Internet Committee (INTA Internet Committee)