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TO:	ICANN New gTLD Subsequent Procedures PDP Working Group
FROM:	Carmen A. Catizone, MS, RPh, DPh, Executive Director/Secretary
DATE:	September 19, 2018
RE:	Comments in Response to Initial Report

The National Association of Boards of Pharmacy® (NABP®) appreciates the opportunity to comment on the New gTLD Subsequent Procedures Initial Report. NABP's particular interest concerns matters of string similarity and string confusion objections, as well as recognition of verified Top-Level Domains (TLDs) as a distinct category of TLDs. Specifically, the use of singular/plural versions of the same word would create confusion for consumers, as would synonyms and exact translations. In the case of verified TLDs representing highly regulated sectors, such confusion would cause a public safety issue. If ICANN approves names that lead to confusion in these scenarios, it would create a risk for consumers around the globe.

With the goal of providing clarity for internet users, NABP agrees with section 2.7.4.c.1 of the report, which considers singular/plural versions of the same word to be confusingly similar. As stated in the report, "prohibiting plurals and singulars of the same word within the same language/script" would reduce the risk of consumer confusion (2.7.4.c.1.1). For this reason, NABP supports the recommendation (2.7.4.c.1.2) to expand the scope of the String Similarity Review "to encompass singulars/plurals of TLDs on a per-language basis."

The potential for confusion, however, goes beyond singular/plural versions of the same word to encompass other pairings, including synonyms and exact translations.

2.7.4: String Similarity (WT3)	Question	2.7.4.e.3: Should **synonyms** (for example .DOCTOR and .PHYSICIAN) be included in the **String Similarity Review**? Why or why not? Do you think the String Similarity Review standard should be different when a string or synonym is associated with a highly-regulated sector or is a verified TLD? Please explain.

Regarding question No. 2.7.4.e.3, NABP maintains that synonyms should be included in the String Similarity Review *in the case that the string or synonym is associated with a highly-regulated sector or is a verified TLD.*

As the registry operator for the .pharmacy TLD, a verified TLD representing a highly regulated sector, NABP goes to great lengths to ensure that only those entities with the appropriate credentials, that operate safely and legally, are permitted to register a .pharmacy domain name. As such, the .pharmacy domain signifies that a website is safe, legitimate, and verified. The .bank TLD, by implementing high

standards for registrants and registrars, likewise has created trusted, verified, and more secure domain names for the global financial services community and the consumers it serves. It is critical, therefore, that consumers do not confuse these TLDs with other names that may be similar but that do not use the same discretion in granting domain names.

A verified TLD, as defined by the Verified Top-Level Domains Consortium in 2016, is one that requires verification of eligibility prior to use, adherence to standards, autonomy to take back a name, and ongoing verification. In the case of strings associated with highly regulated sectors, where a level of consumer trust is implied, and public safety is at stake, such TLDs should be held to higher standards than others. Such standards are consistent with Advice of the Governmental Advisory Committee (GAC) for TLDs in highly regulated sectors. As the GAC states in its Beijing communique, Registry Operators are to ensure that all registrants "continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve." Registrants in these TLDs are expected by internet users and regulators alike to be compliant with best practices and applicable laws.

2.8.1: Objections (WT3)	Question	2.8.1.e.17: String Confusion Objections: Some Work Track members have proposed that there should be **grounds for a String Confusion Objection** if an applied-for string is an **exact translation** of existing string that is in a highly regulated sector, and the applied-for string would not employ the same safeguards as the existing string. Do you support this proposal? Please explain.

Exact translations of existing TLDs present another opportunity for confusion. This issue is raised in section 2.8.1 of the report in the context of objections. The report notes, "Some Work Track members have proposed that there should be grounds for a String Confusion Objection if an applied-for string is an exact translation of existing string that is in a highly regulated sector, and the applied-for string would not employ the same safeguards as the existing string" (question No. 2.8.1.e.17). NABP supports this proposal.

In fact, the questions regarding synonyms and exact translations are so closely related as to merit a single response. New TLDs that mimic existing verified TLDs in highly regulated sectors but that lack the same safeguards stand to create confusion and place consumers at risk of fraud and abuse. New TLDs that are exact translations of existing verified TLDs in highly regulated sectors therefore should not be permitted in subsequent rounds. Likewise, synonyms of existing verified TLDs in these sectors should not be permitted in subsequent rounds. The only exception should be if the applicant for the TLD that is an exact translation or synonym employs the same safeguards as the existing verified TLD.

NABP maintains that neither synonyms nor exact translations of existing TLDs meeting the description above should be permitted at the application stage. A reasonable alternative, however, would be to recognize both scenarios as grounds for a String Confusion Objection.

As stated in the example of the .pharmacy TLD, above, unless it is operated under the same safeguards, another TLD that is an exact translation of the string, or a synonym of the string, has the potential to create confusion. Consumers who look to certain TLDs as an indicator of safety may trust an exact translation or a synonym of that string to be similarly verified, even if it is not. This situation creates an unnecessary risk for consumers. In the case of TLDs that represent highly regulated sectors and impact public safety, avoiding such confusion is of utmost importance. Minimally, these TLDs should be operated as verified TLDs and with commensurate security provisions.

2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.1: The Working Group did not reach agreement on adding any **additional categories** of gTLDs. What would be the benefit of adding a further category/further categories? Should additional categories of TLDs be established and if so, what categories? Why or why not?	

NABP recognizes that granting priority to verified TLDs over unrestricted TLDs would necessitate the recognition of verified TLDs as a distinct type of TLD. Thus, in response to question 2.2.4.e.1, the benefit of adding a further category, namely, verified TLDs, would be to protect consumer safety, where consumers are defined as end users.

2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.2: To the extent that you believe additional categories should be created, **how would applications for those TLDs be treated differently** from a standard TLD throughout the application process, evaluation process, string contention process, contracting, post-delegation, etc.

Applications for verified TLDs, like Community TLDs, should be given priority during the application evaluation process. During the application process, if two applicants apply for the same string, and one proposes to run the registry as a verified TLD and the other does not, the one that proposes the verified TLD would receive priority. Likewise, an application for a synonym or an exact translation of an existing verified TLD should not be allowed to proceed. Alternatively, if ICANN accepts an application for a synonym or an exact translation of an existing verified TLD, this would constitute sufficient grounds for the existing verified TLD to file a String Confusion Objection.

2.2.4: Different TLD Types (full WG)	Question	2.2.4.e.3: If you have recommended additional categories of TLDs, what would be the eligibility requirements for those categories, **how would those be enforced** and what would be the ramifications of a TLD that qualified for a newly created category failing to continue to meet those qualifications?

As stated above, a verified TLD is one that requires verification of eligibility prior to use, adherence to standards, autonomy to take back a name, and ongoing verification. This definition – and by extension, a commitment to adhere to it -- should be included as a specification in the Registry Agreement for new applicants. Failure to continue to meet those qualifications would result in disciplinary actions up

to and including a notice of breach of the Registry Agreement and, absent corrective actions, termination of the Registry Agreement.

As the independent, international, and impartial association that assists its member boards of pharmacy in protecting the public health, NABP hopes the Working Group will consider these recommendations in the interest of adding value, diversity, and safety to the New gTLD Program and the domain name system as a whole.