RrSG Response to Draft Project Plan for the Proposed Name Collision Analysis Project (NCAP)

The Registrar Stakeholder Group (RrSG) appreciates the work SSAC has put into preparing the proposal for the Name Collision Analysis Project and welcomes the opportunity to provide a response to 2 of the requested areas of feedback.

The Registrars welcome the SSACs proposal for increased transparency and openness of the NCAP Work Party

The RrSG appreciates the extra efforts being proposed by the SSAC to open up much of the work of the NCAP to persons other than SSAC members that have the appropriate technical expertise to understand the project, the concept of name collision and the potential ramifications of any actual harms that could be caused by legitimate collisions. More specifically, we agree that all mailing lists remain open for community members to serve as observers and that there are several opportunities for the community to provide input into the project.

The proposed approach for consultation and inclusion of views and considerations from beyond the NCAP Work Party should also include mandatory consultation with the GNSO regarding subsequent procedures for the introduction of new gTLDs.

As stated above, the RrSG views consultation with the GNSO as extremely important. In order to avoid unnecessary delays to the introduction of subsequent procedures for new gTLDs, the NCAP Work Party should coordinate closely with the GNSO so that everyone is aligned on when the next round is expected to commence.

To the greatest extent possible, the NCAP should prioritize those studies which may have a direct impact on the introduction of new gTLDs through any subsequent procedures. This doesn't imply that NCAP should rush through those studies, but rather NCAP should set appropriate expectations with the community on which studies (if any) may be required as pre-requisites to launching subsequent procedures.

Expected Deliverables of the NCAP Work Priority

The RrSG believes that amongst the goals of the NCAP project, the Work Party should aim to:

1. Identify strings (if any) that pose substantial name collision risks and should not be available for application in the next round of new gTLDs. In other words, NCAP Work Party should identify and publish any TLDs that would, or could, be future high risk collision TLD strings with perceived risks similar to .CORP, .HOME and .MAIL,

2. For strings not identified prior to a subsequent procedure, a process should be developed to evaluate the name collision risk during the application evaluation process. Risk mitigation measures should be implemented by ICANN and/or the registry operator prior to or after delegation of such strings.

If it is determined that the application cannot proceed as a result of this evaluation, the RrSG believes that a full refund should be issued to the applicant.

3. Identify mitigation measures (if any) ICANN and/or new gTLD registry operators must implement post contract award and/or post delegation for TLD strings that pose a substantial name collision risk.   The RrSG believes that the collision framework introduced for the 2012 Round of New gTLDs (namely, controlled interruption) was an effective tool in mitigating any existing name collisions. This was further corroborated by the Final Report issues by JAS Advisors in 2015. To the extent another framework is deemed necessary to be implemented by the NCAP Work Party, the NCAP Work Party should clearly establish why JAS Advisors were incorrect and how the benefits of introducing any new mitigation framework substantially outweigh any additional costs or work imposed on Registry Operators, Registrars, or the Internet Community.

Any additional risks that should be considered, along with any risk mitigation strategies.

The RrSG has a general concern around the perceived level of risk and the usefulness of repeated studies.   The extent of the damage caused by names collisions is not actually known as it has not been studied. However, it would appear there is an assumption that the risks posed for the next round are significant, in spite of the fact that a comprehensive study has already been conducted by JAS Advisors and more is now known about how to prevent name collisions.

The RrSG believes that the original name collision studies performed in 2012-2013 were undoubtedly necessary, but we must ensure that this study is not simply a repeat of its predecessor. The key risks may actually already be known, but even if this study reveals new risks , it should be possible to be suitably prepared in advance of future rounds. The RrSG would question the need to conduct a study with every round of new gTLDs.

It should be acknowledged by SSAC that these studies are <u>not</u> being performed because risks have been identified in introducing additional new gTLDs, but rather they are being performed to identify any substantial risks.

The RrSG would like SSAC to include a statement in the Preface along the lines that the study is not in itself proof that there is, or is not, inherently a collision risk in the next round and that therefore it should not be linked to when the next round will be launched. This is in order to prevent the study from being used as a reason to delay the next round.

The NCAP Project should have an Early Termination option after 6 months

Finally, the RrSG would like to see constraint around how much is spent. As stated above, this study should not be a repeat of the first and there should be a mechanism to stop the study if it looks unlikely to reveal anything of use. SSAC should consider implementing regular review points, starting at around 6 months. If, at that time, it turns out expected data is unavailable, or no additional name collision risks have been identified, then there should be a mechanism for the ICANN Community to terminate the project. The proposed $US 3 million budget and 2+ year timeline for this study are significant, especially given the fact that a substantial amount money and time have already been committed to studying name collisions. These studies should not be used as a fishing expedition to find problems or to identify solutions to problems that may not exist. An early termination option will serve as an incentive for the NCAP Work Party to work aggressively to ensure this does not become a solution in search of a problem.

If there is any opportunity to keep the study as lightweight and inexpensive as possible, it should be taken. If no substantial harm is found within a reasonable amount time (from 6 months), the study should be stopped rather than enforcing the need to see it all the way through to the end for the sake of it.