# RySG Statement on IDN Variant TLD Management Framework Recommendations et al.

April 2019

**List of Issues**

1. **Need for New Policy Development:** Variant TLD Recommendations impact existing and future TLDs; therefore, a new PDP must undertake this new work (for existing TLDs), while keeping SubPro PDP involved (for future TLDs).

**Proof points:**

* 1. Board resolution [2019.03.14.08](https://www.icann.org/resources/board-material/resolutions-2019-03-14-en#2.a) requests GNSO and ccNSO to “take into account the Variant TLD Recommendations while developing their respective policies to define and manage the IDN variant TLDs for the current TLDs as well as for future TLD applications.”
  2. The Variant TLD Recommendations recommend amendments to current policies, such as UDRP, TMCH, PDDRP; all of these policies do apply to existing contracts.
  3. Implementation of “same entity” for variant sets at the second level, as recommended by the Variant TLD Recommendations, will require coordination and collaboration between registries and registrars to find a cost effective solution that maximizes adoption.
  4. 2012 Round applicants were required to self-identify variant labels of the applied-for string. One possible policy recommendation could be to allow these applicants to request the allocation of these self-identified variant labels, which could result in amendments to existing contracts. Thus, these processes need to be overseen by a new PDP, not SubPro alone.

1. **Disparate Treatment of TLDs / Registry Operators:** ICANN is rejecting implementation of previously approved (and in use) IDN Tables in other TLDs.

**Proof points:**

* 1. Without notice, publication, or justification, ICANN Staff unilaterally changes requirements for IDN Tables and rejects use of previously approved IDN Tables that are and have been in use by other TLDs for years.
  2. During Pre-Delegation Testing (PDT), ICANN threatens test failure unless the Registry Operator conforms to completely unknown standards for IDN tables. Recently, a Registry Operator’s Arabic table would have “failed” even though the same table is being used by hundreds of other TLDs and is still published on the PDT tester’s website.
  3. The lack of process or transparency by which ICANN evaluates IDN Tables is egregious and disparately impacting services provided by TLDs.
  4. ICANN does not have the authority to treat Registry Operators differently, and require adherence to one set of standards that are not equally and evenly applied to all Registry Operators.

1. **IDN Guidelines (for the second level), not guidelines but contract obligations:** ICANN IDN Guidelines have evolved over time from implementation guidelines (i.e. best practice) to contract obligations. There is lack of clarity as to the process for amending the document.

**Proof points:**

* 1. Most registry agreements contain the provision “Registry Operator shall comply with the ICANN IDN Guidelines at <http://www.icann.org/en/topics/idn/implementation-guidelines.htm>, as they may be amended, modified, or superseded from time to time.”
  2. The amendment was done by a working group, not a PDP.
  3. Draft version 4 uses stronger language (i.e., “will” changed to “must”) and adds new obligations upon contracted parties, namely registries.

**Requests from the RySG to the GNSO Council**

1. Study the full extent of the impacts from the IDN Variant TLD Recommendations upon existing registry agreements to determine the appropriate expertise needed for the policy development process.
2. Ask ICANN to provide their criteria by which IDN Tables are approved for implementation. RySG believes the criteria used exceeds the obligations on the contract (i.e. compliance to IDNA2008 and the IDN Guidelines) and it fails to provide a consistent and predictable path for service approvals.
3. Ask ICANN Board to consider holding off on the adoption of the IDN Guidelines version 4 until there is a full understanding of the operational implementation of the “same entity” requirement on second level registrations, which is also a requirement under the IDN variant TLD Recommendations.