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Guideline for Risk Mitigation Measures Evaluation

This Guideline details the risk mitigation measure evaluation procedure defined in Section 5.6.3 of the [Final Implementation Plan for IDN ccTLD Fast Track Process (FIP)](#) (as revised per <mark><date></mark>).

1. Introduction

As per IDN ccTLD Fast Track Process Implementation Plan (hereafter: FIP), a requested IDN ccTLD string should not be confusingly similar with (i) any Reserved Name, existing TLDs (both ccTLDs and gTLDs) or potential future TLDs.

To evaluate possible confusing similarity, ICANN has appointed the following two panels:

- **DNS Stability Panel (DSP).** The DSP conducts the initial DNS Stability Evaluation, which includes a string similarity review of the requested IDN ccTLD string.
- **Extended Process Similarity Review Panel (EPSRP).** The EPSRP conducts a review of the requested IDN ccTLD string for contention cases identified by DSP upon the request of the requester, using the same criteria but with a different methodology from DSP[1].

In 2018 Section 5.6.3 of the FIP has been updated to introduce the evaluation of mitigation measures to reduce risks associated with confusingly similarity of TLD strings. This describes the process on how to propose and review mitigation measures.

2. High level overview Risk Treatment Appraisal Process

At the request of the requester of an IDN ccTLD string and under the eligibility conditions of this guideline, the Risk Treatment Appraisal Process Panel (RTAP Panel) will need to be satisfied that the requester has followed an appropriate risk management process and adequate, related risk mitigation measures.

Should the RTAP Panel have concerns as to the adequacy of the proposed risk management process or the proposed mitigation measures, the RTAP Panel will communicate with ICANN and the requester during the process to understand the objective and the Risk Mitigation Proposal (RMP), and the requester may provide additional information and clarification.

3. Conditions for Application of these Guidelines

In accordance with section 5.6.3 of the Implementation plan and under the following limited set of conditions, a requester is eligible to propose measures to mitigate the risk associated with confusing similarity:

- If the DSP or EPSRP evaluation have determined that the requested string is confusingly similar in uppercase only.
- The requester has filed a request for a review of its proposed mitigation measures within three months from the date the results from the DRP and/or EPSRP have

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[1]. Following the methodology in its guidelines, for the scripts which are bicameral the EPSRP provides separate recommendations for uppercase and lowercase versions of the applied-for IDN ccTLD strings given that from a visual similarity point of view, uppercase and lowercase characters of the same letter are distinct entities (see for example: https://www.icann.org/en/system/files/files/epsrp-greece-30sep14-en.pdf)

been communicated to the requester or, if at a later date, within 3 months after the date at which this guideline becomes effective.

- In the request for a review of proposed mitigation measures, the requester has included - at a minimum – a reference to the proposed, internationally recognized and appropriate risk management and mitigation process the requester intends to use, and the related, proposed mitigation measures.
  The requester commits to implement the proposed and agreed upon mitigation measures as of the moment the IDN ccTLD becomes operational.

If the above conditions are met, the review and evaluation of the proposed methodology and related mitigation measures shall be undertaken by an independent panel (the 'RTAP Panel'), appointed by ICANN.

The RTAP Panel shall evaluate the proposed risk management process and related risk mitigation measures to assess whether the risk of confusing similarity identified by the DSP or the EPSRP evaluations has been mitigated.

4. Objective and Criteria for Review of Risk Mitigation Measures

The mitigation measures proposed in the RMP should meet the objective of Risk Mitigation Measures and the criteria for review of Risk Mitigation Proposal.

The requester should make clear how the risk management process and proposed mitigation measures contained in the RMP meet the objective and criteria and should be evaluated together with the confusability findings.

The residual level of risk, if any, due to the confusability of domain names is expected to be in the same range as which would occur by adding another IDN ccTLD which has not been found similar to existing or reserved TLD.

4.1 The Objective of the Review of Risk Mitigation Measures

The objective is to determine if the risk will be effectively mitigated, as per the statement below:

If a requested string has been found to be confusingly similar with the upper case version of other strings, the proposed mitigation measures should reduce the risks associated with the confusing similarity to an acceptable level or threshold. The proposed mitigation measures should be evaluated in relation to the strings identified by the relevant panel (DSP or EPSRP) as confusingly similar to the applied-for string. In accordance with the IDN ccTLD Implementation Plan, the RTAP Panel should consider the likelihood of confusing similarity with specific consideration of confusability from the perspective that any domain name may be displayed in either upper- or lower-case, depending on the software application and regardless of the user's familiarity with the language or script.

4.2 The Criteria for assessing the risk mitigation measures

1. **Proportionate:** The mitigation measures will be in proportion to risks identified. The higher the risks, the greater the mitigation measures will be required; conversely, lower mitigation measures will be a proportionate response to risks that are identified as low severity or low likelihood,

2. **Adequate:** For each of the case(s), the measures should reduce the risk of user confusion arising from the potential use of the applied-for TLD to an acceptable level. The residual level of risk, if any, due to the confusability of domain names is expected to be in the same range as which would occur by adding another IDN ccTLD which has not been found similar to existing or reserved TLD.

3. **Self-contained:** The proposed mitigation measures can only apply to the registration policies of the applied-for TLD and do not assume any restrictions on the availability or registration policies of other current or future TLD labels.

4. **Global impact**: The proposed mitigation measures must have global applicability, and not only apply to confusability within the intended user community.

5. Risk Treatment Appraisal Process Panel (RTAP Panel)

Effective risk analysis and mitigation require expertise in the area of risk management and risk management processes and procedures. To guide the discussion and coordinate the assessment work and given the paramount nature of this kind of expertise, at least one person on the panel should be a recognized expert in this area. The RTAP Panel members shall appoint one of their members to be the chair of the RTAP Panel.

The team doing the risk analysis should also include persons who are 1. considered experts in the area of internationalized domain names and how related registration policies are implemented by the registries (to review the practicality of implementing the RMP), 2. how IDNs may be confusing, to what extent such confusion can cause harm and how such confusion and harm could be prevented.

Therefore, the RTAP Panel will have three (3) to five (5) members, ensuring all the following requirements/skill sets are represented:

o Expertise in and understanding of various risk mitigating processes and standards and risk mitigation practices.
o Expertise on IDN implementation by registries, good understanding of the implementation opportunities and challenges for different IDN policies at the second and other levels, and knowledge of the relevant security and technical standards relating to IDNs.
o Expertise in brand protection, trade mark law and domain name disputes pertaining to the use of domain names as instruments for phishing and other sorts of abusive use, their impact and measures to address them.
o Expertise in the relevant language(s)/scripts.

ICANN organization convenes the RTAP Panel to review the anticipated RMP.

The names of the members of the RTAP Panel will be listed on the ICANN Website as soon as possible following their appointment, and included in the report.

6. Risk Treatment Appraisal Procedure

1. Requester submits the RMP within three (3) months after receiving the communication of the string similarity review decision[2]
2. ICANN organization convenes the RTAP Panel, and forwards RMP to RTAP Panel within one (1) week of the formation of the RTAP Panel
3. The RTAP Panel creates a review plan within three (3) weeks for the completion of the work, which includes at a minimum:
   a. Tentative work plan and timeline
   b. Request, if any, for additional information which may be needed or helpful
4. ICANN organization reviews the RTAP Panel's evaluation plan, and informs the requester of the timeline and any additional information needed.
5. Requester considers the review plan and shares any feedback, and additional information requested with respect to the RMP, and any other information considered necessary and /or relevant as soon as possible and confirms whether to proceed with the RTA. If the confirmation is not received within eight (8) weeks of receiving the review plan, the application is closed
6. ICANN organization forwards the updates with respect to the RMP, if any, to RTAP Panel, within one (1) week of receiving it.
7. RTAP Panel undertakes analysis of the RMP. ICANN organization coordinates any additional interaction between RTAP Panel and requester with respect to any clarifying question RTAP Panel may have or additional information the requestor intends to provide with respect to the RMP.
8. The RTAP Panel creates and hands over to ICANN organization a first RTA-Interim Report within eight (8) weeks of receiving the requester's confirmation to proceed with the RTAP,
9. ICANN organization passes RTA-Interim Report to the requester within one (1 week) of receiving it.
10. Requester submits its response and any additional information it considers relevant on the RTA-Interim Report and updated RMP (if at all) to ICANN organization within four (4) weeks of receiving the RTA-Interim Report.
11. ICANN organization sends the response and updates of the RMP (if any) to RTAP from the requester. If requester has not submitted a response within four (4) weeks after receiving the Interim Report, ICANN will inform the RTAP Panel that they may continue to next steps.

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[2] For applications in the process before the implementation of these guidelines, this period will start from the date of publishing of the announcement that these guidelines are applicable.

12. The RTAP Panel creates the RTA-Final Report and sends it to ICANN organization within (4) weeks of receiving the requester response on the RTA-Interim Report, or if no response is received within four (4) weeks of the expiry of the deadline for filing a response. ICANN organization coordinates any clarifying questions between RTAP Panel and the requester.
13. ICANN organization sends the RTA-Final Report to the requester and publishes it one (1) week after sending it to the requester

7. Closure of procedure

The end result of the review procedure is either:
- o A documented and consolidated recommendation from the RTAP Panel, following consultations with the requester, confirming that:
  - The requester has adopted an appropriate risk management methodology and framework;
  - The mitigation measures are proportionate and adequate to treat the risk(s) identified by the DSP or EPSRP (as the case may be);
  - The requester/ IDN ccTLD operator has committed to implement the mitigation measures prior to or on launch of the IDN ccTLD string(s); **or**
- o A documented and consolidated recommendation confirming the risk is not adequately treated, given the list of mitigation measures being proposed by the requester.
- The end result of the review, will be made public.

8. Risk Treatment Appraisal (RTA) Reports

There are two kind of reports generated by the panel. There is *RTA-Interim Report* which identifies gap(s) and (possibly) recommends any additional controls and solutions to mitigate risks identified. The second, the *RTA-Final Report* provides the final consolidated recommendation after evaluating the RMP by the requester. These reports would contain at least the following:

RTA-Interim Report
1. *Objective and scope of the risk management process.*
2. *Summary of the external and internal context and how it relates to the system being assessed.*
3. *Summary of the methodology used for various stages of risk management.*
4. *Assessment of risk and breakdown of overall risk into its itemized component risks, with description of each component risk, the gap it causes, the end-user communities it impacts, and its evaluation.*
5. *Summary of the initial RMP by the requester, its break down into constituent controls, and how applicable constituent controls address each component risk.*

6. *Analysis of the degree (and description) of residual risk for each component risk after applying the proposed constituent controls.*
7. *For each component risk and in accordance with the objective and criteria set out in these guidelines, a detailed evaluation if the residual risk is still at significant level. Why? Why not?*
8. *Any suggestions, if available, for effectively addressing any of the residual risks which is still considered significant.*
9. *Based on the RMP, the residual risk for each component risk, what is the interim consolidated recommendation: is the cumulative risk effectively mitigated based on the RTA objective? Why? Why not?*

RTA-Final Report

1. *Objective and scope of the risk management process.*
2. *Summary of the external and internal context and how it relates to the system being assessed.*
3. *Summary of the methodology used for various stages of risk management.*
4. *Assessment of risk and breakdown of overall risk into its itemized component risks, with description of each component risk, the gap it causes, the end-user communities it impacts, and its evaluation.*
5. *Summary of the initial RMP, and any response or changes to the mitigation measures proposed by the requester in response to the RTA-Interim report,*
6. *Summary of the final RMP, its break down into constituent controls, and how applicable constituent controls address each component risk.*
7. *Analysis of the degree (and description) of residual risk for each component risk after applying the proposed constituent controls.*
8. *For each component risk, and in accordance with the objective and criteria set out in this guideline, a detailed evaluation if the residual risk is still at significant level. Why? Why not?*
9. *Based on the RMP, the residual risk for each component risk, what is the final consolidated recommendation: is the cumulative risk effectively mitigated based on the RTA objective? Why? Why not?*

Glossary

- Risk Mitigation Proposal, by the requester – RMP. The RMP should include at a minimum the proposed internationally recognized and appropriate risk management and mitigation process the requester has used and intends to use, and the proposed mitigation measures.
- Risk Treatment Appraisal Process- RTAP
- Risk Treatment Appraisal Process Panel – RTAP Panel (none DRP EPSPR or ICANN employees or contractors)

Process Flow Diagram

Requester	ICANN Organization	RTAP Panel

1. Inform on intention to submit Risk Mitigation → 2. Inform RTAP of upcoming RMP → 3. Undertake groundwork for incoming RMP

4. Prepare and submit RMP within 3 months of similarity → 5. Acknowledge receipt and forward RMP to RTAP in 1 → 6. Review RMP and create Review Plan in 2 weeks

8. Consider Review Plan effort, timeline and additional ← 7. Review and clarify Review Plan in 1 week ← **Review Plan** Effort, Timeline, Additional Info.

Proceed? — No → Stop

Yes

9. Prepare and submit Final RMP in 2 weeks → 10. Acknowledge receipt and forward Final RMP to RTAP → 11. Assess RMP and create RTA-Interim Report in 6 weeks

13. Review RTA-Interim Report ← 12. Share RTA-Interim Report ← **RTA-Interim Report**

14. Prepare and submit Updated RMP in 4 weeks (if → 15. Forward Updated RMP to RTAP → 16. Assess RMP and create RTA-Final Report

17. Share RTA-Final Report and publish it after 1 week ← **RTA-Final Report**