

**Interim Report**  
**IDN ccNSO Policy Development Process**

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## **Executive Summary**

The purpose of the IDN country code policy development process (IDN ccPDP) Interim Report is to report on and seek feed-back on feasible recommendations for overall policy for the selection of IDN country code Top Level Domains strings (IDN ccTLD's) and the inclusion of IDN ccTLD managers in the ccNSO. The Interim Report builds on the Final Paper's of IDN ccPDP Working Group 1 and 2.

Until the introduction of IDN ccTLDs under the Fast Track Process, ccTLD strings were limited to the two letter codes obtained from ISO 3166-1 list. As this mechanism cannot be used for the selection of IDN ccTLD strings, an interim process was introduced which is commonly referred to as the Fast Track Process.

Based on the Fast Track Process and taking into account the 3 years of experience with that process and the two annual reviews, the proposed policy is a two-stage process:

- Stage 1: String selection in Territory
- Stage 2: Evaluation of proposed string

The policy recommendations describe (at a high level) the criteria and requirements for the string selection and, activities, roles, and responsibilities of the actors involved in the string selection and string evaluation processes and procedures. These proposed processes and procedures are an integral part of the policy recommendations. At the same time it is anticipated that further detail may need to be added as a matter of implementation and it is recommended that the ccNSO reviews and approves the final planning document, prior to implementation.

In addition overarching principles are presented. Their purpose is to set the parameters around and provide a framework for interpretation of the policy recommendations. It is recommended that the delegation of IDN ccTLDs shall be in accordance with the delegation process of (ASCII) ccTLDs. Thus the recommendations contained in this report build on and are complementary to the delegation, re-delegation and retirement processes applicable to all ccTLDs. This implies that - once the evaluation process has been successfully completed - the policy, procedures and practices for the delegation, re-delegation and retirement of ccTLDs apply.

To facilitate the inclusion of IDN ccTLD managers in the ccNSO, the WG identified two main principles that should be maintained:

1. The underlying principle for the creation of ccTLDs (ASCII and IDN's) is listing on the ISO 3166 -1 standard (including territories that are listed on the exceptionally reserved list of ISO 3166-1). This principle should also be reflected in the ccNSO.
2. All (IDN and ASCII) ccTLD managers should be treated equally. In this context this implies parity between managers within a Territory and parity across Territories.

In order to enable the inclusion of IDN ccTLD in the ccNSO, changes to the ccNSO Membership definition are recommended. Further to accommodate the anticipated

changes to the structure of the ccNSO as a result of the inclusion of IDN ccTLD managers, it is recommended to change sections in Article IX and Annex B of the ICANN Bylaws relating to:

- The Initiation of a country code Policy Development Process
- Voting rules pertaining to selection of ccNSO Councillors and the ccPDP, in particular the members vote
- The Quorum rules pertaining to membership votes, and,

It is further recommended that the proposed changes to the ccNSO should be reviewed within five years, after implementation.

## 1. Background and Introduction

In 2007 the ccNSO membership, other ccTLD managers and ICANN's Governmental Advisory Committee (GAC) identified a number of policy questions which were submitted to the ICANN Board of Directors<sup>1</sup>. It was clear that the development of the required policy for IDN ccTLDs to resolve the identified issues was likely to take a minimum of 2 years. Also it was clear that such a time frame was a major concern for countries and territories who had expressed a pressing need for an IDN ccTLD. As a result, the concept of a fast track approach emerged. In those discussions it was thought that it might be possible to find a method to allow the introduction of a limited number of IDN ccTLDs while the overall policy was being developed. At its meeting on 2 October 2007<sup>2</sup> the ccNSO Council requested an Issue Report to establish whether the ccNSO should launch a policy development process for the selection and delegation of IDN ccTLD's.

In parallel to the launch of the IDN ccPDP, the ccNSO Council recommended the ICANN Board to set-up an Internationalised Domain Name Working Group to develop a methodology for the introduction of a limited number of IDN ccTLD's<sup>3</sup>. At its meeting on 2 November 2007, the ICANN Board of Directors invited the Chairs of the ccNSO, GNSO, GAC, ALAC, and SSAC to set-up the IDNC Working Group and appoint members to this group and, when established, requests the IDNC Working Group to commence its work, in accordance with the Charter adopted by the ccNSO Council<sup>4</sup>. The recommendations of the IDNC WG were presented to the ccNSO and GAC and submitted to the ICANN Board of directors in June 2008 at the Paris ICANN meeting<sup>5</sup>. The Board directed staff to commence work on implementation issues in consultation with relevant stakeholders<sup>6</sup>. After extensive consultations and the Final Implementation for the IDN ccTLD Fast Track Process was adopted by the ICANN Board of Directors at its meeting in Seoul in October 2009<sup>7</sup> and the IDN ccTLD Fast Track Process was launched on 16 November 2009<sup>8</sup>

In April 2009, the ccNSO Council initiated the IDN ccPDP, and followed the advise of the IDN ccPDP Issue Manager, to appoint two working groups, each with its own charter, working method and schedule<sup>9</sup>:

- The purpose of the first working group (IDN ccPDP WG 1) is to study and report on a feasible overall policy for the selection and delegation of IDN ccTLDs. The working group should take into account and be guided by the joint GAC-ccNSO Issues Paper and comments received on that document, the Final Report of the

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<sup>1</sup> <http://www.icann.org/topics/idn/ccnso-gac-issues-report-on-idn-09jul07.pdf>

<sup>2</sup> <http://ccnso.icann.org/about/minutes/ccnso-council-call-02oct07.pdf>

<sup>3</sup> <http://ccnso.icann.org/meetings/losangeles/ccnso-council-minutes-31oct07.pdf>

<sup>3</sup> <http://ccnso.icann.org/meetings/losangeles/ccnso-council-minutes-31oct07.pdf>

<sup>4</sup> [http://www.icann.org/en/groups/board/documents/resolutions-02nov07-en.htm#\\_Toc55609363](http://www.icann.org/en/groups/board/documents/resolutions-02nov07-en.htm#_Toc55609363)

<sup>5</sup> <http://www.icann.org/en/news/announcements/announcement-26jun08-en.htm>

<sup>6</sup> [http://www.icann.org/en/groups/board/documents/resolutions-26jun08-en.htm#\\_Toc76113172](http://www.icann.org/en/groups/board/documents/resolutions-26jun08-en.htm#_Toc76113172)

<sup>7</sup> <http://www.icann.org/en/groups/board/documents/resolutions-30oct09-en.htm#2>

<sup>8</sup> <http://www.icann.org/en/news/announcements/announcement-16nov09-en.htm>

<sup>9</sup> <http://ccnso.icann.org/workinggroups/minutes-council-07apr09.pdf>

IDNC Working Group and the associated Fast Track Implementation Plan and experience with the Fast Track Process.

- The purpose of the second working group is to report on changes to Article IX of the ICANN bylaws to include IDN ccTLD managers in the ccNSO. This is necessitated by the delegation of IDN ccTLD's under the Fast Track Process and in future under the policy recommended by WG 1.

The IDN ccPDP WG 1 focused on, without limitation, the proposals and recommendations of the IDNC Working Group and the Implementation Plan based on the work of the IDNC WG, and has taken into account the experiences under and reviews of the IDNccTLD Fast Track Process. The IDN ccPDP WG 2 focused on, without limitation, examination of Article IX of the ICANN Bylaws and associated Annexes (Annex B and C of the ICANN Bylaws). It has further taken into account the proposals and recommendations of IDN ccPDP WG 1.

As both working groups have undertaken their activities within the framework of the IDN ccPDP, the limitations on the scope of a ccPDP, in particular as defined by Article IX and Annex B and C of the ICANN Bylaws, are applicable to the WG's work in a similar manner.

The IDN ccPDP WG 1 published its Final Paper including its recommendations on the overall policy in December 2012.<sup>10</sup> The recommendations contained in the Final Paper are integrated in this Interim Report. Only the overarching principles, criteria and requirements for the selection of IDN ccTLD strings and procedures and documentation and miscellaneous recommendations are presented as the proposed overall policy (section 2.1). For further reference the Final Paper itself is included in Annex A of this report. The members and other participants of WG 1 are listed in Annex C.

The IDN ccPDP WG 2 has published its Final Paper in November 2012.<sup>11</sup> This Final paper also contains the recommendations from the working group, which have been integrated in the Interim Report (marked **yellow**). In addition to the recommendations by the WG, proposed changes to Article IX and Annex B of the ICANN Bylaws are now included as well as part of the recommendations (section 2.2.). For further reference the Final Paper of WG 2 is included in Annex B of this report. The members and other participants of WG 1 are listed in Annex D.

The final part of the Interim Report (section 3) contains a description of the IDN ccPDP process to date and the next steps under this policy development process.

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<sup>10</sup> <http://ccnso.icann.org/workinggroups/final-recommendations-idn-cctld-selection-21dec12-en.pdf>

<sup>11</sup> <http://ccnso.icann.org/node/35859>

## 2. Recommendations

### 2.1 Policy Recommendations IDN ccTLD String Selection Criteria, Requirements and Processes

#### 2.1.1 Overall Principles

The purpose of the overarching principles is to set the parameters within which the policy recommendations have been developed, should be interpreted and implemented. They take into account the experiences of the IDN Fast Track Process and subsequent discussions. They have been developed to structure, guide and set conditions for the recommended policy, its implementation and future interpretation.

**I. Association of the (IDN) country code Top Level Domain with a territory.** Under the current policy for the delegation of (ASCII) ccTLDs, the two letter ASCII codes associated with the territories listed in the ISO 3166-1 standard are eligible for delegation as a ccTLD. Only the same territories shall be eligible to select IDN ccTLD strings.

**II. (ASCII) ccTLD and IDN ccTLDs are all country code Top Level Domains.** (ASCII) ccTLD and IDN ccTLDs are all country code Top Level Domains and as such are associated with a territory listed on the ISO 3166-1 list. Whilst there may be additional specific provisions required for IDN ccTLDs, due to their nature (for example criteria for the selection of an IDN ccTLD string) all country code Top Level Domains should be treated in the same manner.

**III. Preserve security, stability and interoperability of the DNS.** To the extent different, additional rules are implemented for IDN ccTLDs these rules should:

- Preserve and ensure the security and stability of the DNS;
- Ensure adherence with the RFC 5890, RFC 5891, RFC 5892, RFC 5893 and ICANN IDN guidelines.
- Take into account and be guided by the work in progress on the Principles for Unicode Code Point Inclusion in Labels in the DNS Root<sup>12</sup>.

**IV. Ongoing Process.** Requests for the delegation of IDN ccTLDs should be an ongoing process and requests submitted at any time. Currently the delegation of a ccTLD can be requested at any time, once all the criteria are met.

**V. Criteria determine the number of IDN ccTLDs.** The criteria to select the IDN ccTLD string should determine the number of eligible IDN ccTLDs per Territory, not an arbitrarily set number.

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<sup>12</sup> Still in draft mode. A new updated version is anticipated. The status will need to be monitored.

## 2.1.2 Criteria for the selection of an IDN ccTLD string

**A. An IDN country code Top Level Domain must contain at least one (1) non-ASCII character.** For example, *españa* would qualify under this criteria and *italia* would not. *españa* contains at least one other character other than [-, a-z, 0-9], while still being a valid top level domain name.

A different way of expressing this is that the selected IDN ccTLD must be a valid U-Label that can also be expressed as an A-label. It cannot be a NR-LDH Label.

For more formal definitions of these terms, see RFC 5890.

**B. Eligibility only if the name of territory listed on ISO 3166.** To be eligible for a IDN ccTLD string, a country, territory, dependency or other area of particular geopolitical interest (hereafter referred to as: Territory or Territories) must be listed on the 'International Standard ISO 3166, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes', or, in some exceptional cases a two letter ASCII (letters a-z ) code associated with the Territory already assigned as a ccTLD and listed as an exceptionally reserved ISO 3166-1 code element<sup>13</sup>.

**C. The IDN ccTLD string must be a Meaningful Representation of the name of a Territory.** The principle underlying the representation of Territories in two letter (ASCII) code elements is the visual association between the names of Territories (in English or French, or sometimes in another language) and their corresponding code elements<sup>14</sup>. The principle of association between the IDN country code string and the name of a Territory should be maintained. A selected IDN ccTLD string must be a meaningful representation of the name of the Territory. A country code string is considered meaningful if it is:

- a) The name of the Territory; or
- b) Part of the name of the Territory that denotes the Territory; or
- c) A short-form designation for the name of the Territory, recognizably denoting the name.

**D. A Meaningful Representation of the name of the Territory must be in a Designated Language of the Territory** The selected IDN ccTLD string should be a meaningful representation of the name of the territory in a "designated" language of that Territory. For this purpose a "designated" language is defined as a language that has a legal status

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<sup>13</sup> In exceptional cases code elements for Territory names may be reserved for which the ISO 3166/MA has decided not to include in ISO 3166 part 1, but for which an interchange requirement exists. See Section 7.5.4 ISO 3166 – 1 : 2006.

<sup>14</sup> See ISO 3166-1: 2006 Section 5.1



in the Territory or that serves as a language of administration (hereafter: Designated Language)<sup>15</sup>.

The definition of Designated Language is based on: “Glossary of Terms for the Standardization of Geographical Names”, United Nations Group of Experts on Geographic Names, United Nations, New York, 2002.

The language is considered to be a Designated Language if one or more of the following requirements are met:

1. The language is listed for the relevant Territory as an ISO 639 language in Part Three of the “Technical Reference Manual for the standardization of Geographical Names”, United Nations Group of Experts on Geographical Names (the UNGEGN Manual) (<http://unstats.un.org/unsd/geoinfo/default.htm>).
2. The language is listed as an administrative language for the relevant Territory in ISO 3166-1 standard under column 9 or 10.
3. The relevant public authority in the Territory confirms that the language is used in official communications of the relevant public authority and serves as a language of administration.

Specific requirements regarding documentation of Designated Languages are included in the procedures and documentation recommendations.

**E. If the selected string is not the long or short form of the name of a Territory then evidence of meaningfulness is required.** Where the selected string is the long or short form name of the relevant Territory in the Designated Language as listed in the UNGEGN Manual, Part Three column 3 or 4 version 2007, or later versions of that list it is considered to be meaningful.

Where the selected string is not listed in the UNGEGN then meaningfulness must be adequately documented. This is the case when:

- (i) The selected string is not part of the long or short form name of the Territory in the UNGEGN Manual in the Designated Language or
- (ii) An acronym of the name of the Territory in the Designated Language or
- (iii) the Territory or the Designated Language do not appear in the UNGEGN Manual.

If such documentation is required, the documentation needs to clearly establish that:

- The meaning of the selected string in the Designated Language and English and
- That the selected string meets the meaningfulness criteria.

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<sup>15</sup> The limitation to Designated Language is recommended as criteria for reasons of stability of the DNS. According to some statistics currently 6909 living languages are identified. See for example: [http://www.ethnologue.com/ethno\\_docs/distribution.asp?by=area](http://www.ethnologue.com/ethno_docs/distribution.asp?by=area). If one IDN ccTLD would be allowed per territory for every language this would potentially amount to 252\*6909 or approximately 1.7 million IDN ccTLDs.

Specific requirements regarding documentation of the Meaningful Representation are included in the procedures and documentation recommendations.

**F. Only one (1) IDN ccTLD string per Designated Language.** In the event that there is more than one Designated Language in the Territory, one (1) unique IDN ccTLD for each Designated Language may be selected, provided the meaningful representation in one Designated Language cannot be confused with an existing IDN ccTLD string for that Territory.

Where a language is expressed in more than one script in a territory, then it is permissible to have one string per script, although the multiple strings are in the same language.

**G. The selected IDN ccTLD string should be non-contentious within the territory.** The selected IDN ccTLD string must be non-contentious within the territory. This is evidenced by support/endorsement from the Significantly Interested Parties (relevant stakeholders) in the territory.

Concurrent requests for two strings in the same language and for the same territory will be considered competing requests and therefore to be contentious in territory. This needs to be resolved in territory, before any further steps are taken in the selection process.

**H. The selected IDN ccTLD string must abide by all Technical Criteria for an IDN TLD string.** In addition to the general requirements for all labels (strings), the selected IDN ccTLD string must abide to the normative parts of RFC 5890, RFC 5891, RFC 5892 and RFC 5893.

All applicable technical criteria (general and IDN specific) for IDN ccTLD strings should be documented as part of the implementation plan. For reasons of transparency and accountability they should be made public prior to implementation of the overall policy and endorsed by the ccNSO.

Validation that a string meets the technical criteria is a process step and shall be conducted by an external, independent panel. The recommended procedure is described in Section 4, Processes and Documentation.

The method and criteria for the technical validation should be developed as part of the implementation plan and are a critical part of the review process. For reasons of transparency and accountability they should be made public prior to implementation of the overall policy and endorsed by the ccNSO.

**I. Confusing similarity of IDN ccTLD Strings.** A selected IDN ccTLD string should not be confusingly similar with:

1. Any combination of two ISO 646 Basic Version (ISO 646-BV) characters<sup>16</sup> (letter [a-z] codes), nor
2. Existing TLDs or reserved names.

The following supplemental rules provide the thresholds to solve any contention issues between the IDN ccTLD selection process and new gTLD process:

- A gTLD application that is approved by the ICANN Board will be considered an existing TLD unless it is withdrawn.
- A validated request for an IDN ccTLD will be considered an existing TLD unless it is withdrawn.

A selected IDN ccTLD string is considered confusingly similar with one or more other string(s) (which must be either Valid-U-labels or any a combination of two or more ISO 646 BV characters) if the appearance of the selected string in common fonts in small sizes at typical screen resolutions is sufficiently close to one or more other strings so that it is probable that a reasonable Internet user who is unfamiliar with the script would perceive the strings to be the same or confuse one for the other<sup>17</sup>.

The review of whether or not a selected IDN ccTLD string is confusingly similar is a process step and should be conducted externally and independently. The recommended procedure is described in Section 4, Processes and Documentation.

The method and criteria to assess confusing similarity should be developed as part of the implementation planning. For reasons of transparency and accountability they should be made public prior to implementation of the overall policy and endorsed by the ccNSO.

The assessment of confusing similarity of strings depends on amongst other things linguistic, technical, and visual perception factors, therefore these elements should be taken into consideration in developing the method and criteria.

Taking into account the overarching principle to preserve and ensure the security, stability and interoperability of the DNS, the method and criteria for the confusing similarity assessment of an IDN ccTLD string should take into account and be guided by the work in progress on Principles for Unicode Point Inclusion in labels in the DNS Root (<http://tools.ietf.org/html/draft-iab-dns-zone-codepoint-pples-01>).

## **J. Variants PLACEHOLDER**

To date (January 2013) identifying the issues pertaining to the management of variant TLD's are still under discussion by the community, in particular the delineation of

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<sup>16</sup> International Organization for Standardization, "Information Technology – ISO 7-bit coded character set for information interchange," ISO Standard 646, 1991

<sup>17</sup> Based on Unicode Technical Report #36, Section 2: Visual Security Issues

technical, policy and operational aspects. For this reason policy recommendations pertaining to the management of variant IDN ccTLDs, if any, are not included, but will be added at a later stage.

### **2.1.3 Procedures and Documentation**

Under the overall policy a two-stage process is recommended for the selection of an IDN ccTLD string:

Stage 1: String selection stage in Territory

Stage 2: Validation of IDN ccTLD string

The policy recommendations on process, procedures and required documentation, if any, will be described both at a general level and in a more detailed fashion for both stages.

#### **Stage 1: String Selection stage in Territory**

##### ***General Description***

The string selection stage is a local matter in Territory and should ideally involve all relevant local actors in Territory. The actors in Territory must:

1. Identify the script and language for the IDN Table and prepare this Table if necessary,
2. Select the IDN ccTLD string. The selected string must meet the meaningfulness and technical requirements and should not be confusingly similar.
3. Document endorsement /support of the relevant stakeholders in Territory for the selected string, and
4. Select the intended IDN ccTLD string requester before submitting an IDN ccTLD string for validation. In cases where the string requester is not yet selected, the relevant public authority of the Territory may act as nominee for the to be selected string requester.

##### ***Detailed aspects String Selection Stage***

###### ***IDN Table***

As part of the preparation in territory an IDN Table, or any later variant for the name designating such a table, must be defined. The IDN Table needs to be in accordance with the requirements of the policy and procedures for the IANA IDN Practices Repository<sup>18</sup>. The IDN Table may already exist i.e. has been prepared for another IDN ccTLD or gTLD using the same script and already included in the IANA IDN Practices Repository. In this case the existing and recorded IDN Table may be used by reference.

If the same script is used in two or more territories, cooperation is encouraged to define an IDN Table for that script. ICANN is advised either to facilitate these processes directly or through soliciting relevant international organisation to facilitate.

###### ***Documentation of required endorsement / support for selected string by Significantly Interested Parties***

**Definition of Significantly Interested Parties.** Significantly Interested Parties include, but are not limited to: a) the government or territorial authority for the country or territory

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<sup>18</sup> <http://www.iana.org/procedures/idn-repository.html>

associated with the IDN ccTLD string and b) any other individuals, organizations, companies, associations, educational institutions or others that have a direct, material, substantial, legitimate and demonstrable interest.

To be considered a Significantly Interested Party, any party other than the government or territorial authority for the country or territory associated with the selected IDN ccTLD must demonstrate that it has a direct, material, legitimate and demonstrable interest in the operation of the proposed IDN ccTLD(s).

Requesters should be encouraged to provide documentation of the support of stakeholders for the selected string, including an opportunity for stakeholders to comment on the selection of the proposed string via a public process. "Stakeholders" is used here to encompass Significantly Interested Parties, "interested parties" and "other parties."

#### Classification of input

For procedural purposes the following cases should be distinguished:

- Request for the full or short name of Territory (as defined in Section 3 E).
- Other cases, where additional documentation is required.

In both cases the relevant Government / Public Authority needs to be involved and at a minimum its non-objection should be documented.

#### *Documentation of the meaningfulness of the selected IDN ccTLD string*

The selected IDN ccTLD string(s) must be a meaningful representation of the name of the corresponding country or territory. A string is deemed to be meaningful if it is in the designated language of the country or territory and if it is:

- 1 The name of the country or territory; or
  - 2 A part of the name of the country or territory denoting the country or territory;
- or
- 3 A short-form designation for the name of the country or territory that is recognizable and denotes the country or territory in the selected language.

The meaningfulness requirement is verified as follows:

1. If the selected string is listed in the UNGEGN Manual, then the string fulfills the meaningfulness requirement.
2. If the selected string is not listed in the UNGEGN Manual, the requester must then substantiate the meaningfulness by providing documentation from an internationally recognized expert or organization.

ICANN should recognize the following experts or organizations as internationally recognized:

- a. National Naming Authority – a government recognized National Geographic Naming Authority, or other organization performing the same function, for the country or territory for which the selected string request is presented. The United Nations Group of Experts on Geographical Names (UNGEGN) maintains such a list of organizations at:  
<http://unstats.un.org/unsd/geoinfo/UNGEGN/nna.html>
- b. National Linguistic Authority – a government recognized National Linguistic Authority, or other organization performing the same function, for the country or territory for which the selected string request is presented.
- c. ICANN agreed expert or organization – in the case where a country or territory does not have access to one of the Authorities listed before, it may request assistance from ICANN to identify and refer a recognized expert or organization. Any expertise referred from or agreed to by ICANN will be considered acceptable and sufficient to determine whether a string is a meaningful representation of a Territory name.

#### Documentation Designated Language

The requirements for allowable languages and scripts to be used for the selected IDN ccTLD string are:

The language must be a Designated language in the territory, and have legal status in the Territory, or serve as a language of administration.

The language requirement is considered verified as follows:

- If the language is listed for the relevant Territory as an ISO 639 language in Part Three of the *Technical Reference Manual for the standardization of Geographical Names, United Nations Group of Experts on Geographical Names* (“UNGEGN Manual”) (<http://unstats.un.org/unsd/geoinfo/default.htm>); or
- If the language is listed as an administrative language for the relevant Territory in the ISO 3166-1 standard under column 9 or 10; or
- If the relevant public authority of the Territory confirms that the language is used or serves as follows, (either by letter or link to the relevant government constitution or other online documentation from an official government website):
  - Used in official communications by the relevant public authority; or
  - Serves as a language of administration.

## **Stage 2: Validation of IDN ccTLD string**

### **1. General description**

The String Validation stage is a set of procedures to ensure all criteria and requirements regarding the selected IDN ccTLD string (as listed in Section 3 of the Report) have been met. Typically this would involve:

- The IDN ccTLD string requester. This actor initiates the next step of this stage of the process by submitting a request for adoption and associated documentation.
- ICANN staff. ICANN staff will process the submission and coordinate between the different actors involved.
- Independent Panels to review the string (Technical and Similarity Panels).

The activities during this stage would typically involve:

1. Submission of IDN table.
2. Submission of selected string and related documentation.
3. Validation of selected IDN ccTLD string:
  - a. ICANN staff validation of request. This includes
    - i. Completeness of request
    - ii. Completeness and adequacy of Meaningfulness and Designated Language documentation
    - iii. Completeness and adequacy of support from relevant public authority
    - iv. Completeness and adequacy of support from other Significantly Interested Parties
  - b. Independent Reviews.
    - i. Technical review
    - ii. String Confusion review
4. Publication of selected IDN ccTLD string on ICANN website
5. Completion of string Selection Process
6. Change, withdrawal or termination of the request.



## ***2. Detailed aspects String Validation Stage***

### ***1. Submission of IDN Table***

As part of the validation stage an IDN Table needs to be lodged with the IANA IDN Repository of IDN Practices, in accordance with the policy and procedures for the IANA IDN Practices Repository<sup>19</sup>.

### ***2. Submission procedure for selected string and related documentation***

This part of the process is considered a matter of implementation.

### ***3. Validation of selected string***

#### ***a. ICANN staff validation of the request***

After the requester has submitted a request for an IDN ccTLD string, ICANN should at least validate that:

- The selected IDN ccTLD refers to a territory listed on ISO 3166-1 list
- The selected string (A-label) does not exist in the DNS, nor is approved for delegation to another party,
- The selected string (U-label) contains at least one (1) non-ASCII character.
- The required A-label, U-label, and corresponding Unicode points to designate the selected IDN ccTLD string are consistent.
- Documentation on meaningfulness is complete and meets the criteria and requirements.
- Documentation on the Designated Language is complete and meets the criteria and requirements.
- Documentation to evidence support for the selected string is complete and meets the criteria and requirements and is from an authoritative source.

If one or more elements listed are not complete or deficient, ICANN shall inform the requester accordingly. The requester should be allowed to provide additional information, correct the request, or withdraw the request (and potentially resubmit at a later time). If the requester does not take any action within 3 months after the notification by ICANN that the request is incomplete or contains errors the request may be terminated by ICANN for administrative reasons.

If all elements listed are validated, ICANN shall notify the requester accordingly and the Technical Validation Procedure will be initiated.

If ICANN staff anticipates issues pertaining to the Technical and String Confusion Review during its initial review of the application, ICANN staff is advised to inform the requester of its concerns. The requester will have the opportunity to either:

1. Change the selected string, or

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<sup>19</sup> <http://www.iana.org/procedures/idn-repository.html>

2. Tentatively request two or more strings as part of the application including a ranking of the preference to accommodate the case where the preferred string is not validated.
3. Withdraw the request, or
4. Continue with the request as originally submitted.

Details of the verification procedures and additional elements, such as the channel of communication, will need to be further determined. This is considered a matter of Implementation planning.

#### *b. Independent Reviews*

##### **General description of Technical and string confusion review**

It is recommended that ICANN appoint the following external and independent Panels:

- To validate the technical requirements ICANN should appoint a “Technical Panel<sup>20</sup>” to conduct a technical review of the selected IDN ccTLD string.
- To validate a selected string is not confusingly similar, ICANN should appoint an external and independent “Similarity Review Panel” to review the selected IDN ccTLD string for confusing similarity.
- To allow for a final validation review relating the confusing similarity, and only if so requested by the requester, ICANN should appoint, an external and independent “Extended Process Similarity Review Panel.”

As part of the implementation planning the details of the roles and responsibilities of the panels and its membership requirements should be developed in conjunction with the development of the methods and criteria for assessing the technical<sup>21</sup> and confusing similarity<sup>22</sup> validity of the selected IDN ccTLD strings and details of the reporting as foreseen for the validation processes.

##### **Process for Technical Validation**

1. After completion of the ICANN staff validation of the request, ICANN staff will submit the selected IDN ccTLD string to the “Technical Panel” for the technical review.
2. The Technical Panel conducts a technical string evaluation of the string submitted for evaluation. If needed, the Panel may ask questions for clarifications through ICANN staff.
3. The findings of the evaluation will be reported to ICANN staff. In its report the Panel shall include the names of the Panellists and document its findings, and the rationale for the decision.

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<sup>20</sup> Or any other name ICANN would prefer.

<sup>21</sup> See # H above

<sup>22</sup> See # I above

4 If according to the technical review the string meets all the technical criteria the string is technically validated. If the selected string does not meet all the technical criteria the string is not-valid. ICANN staff shall inform and notify the requester accordingly.

#### **Process for confusing similarity validation**

1. After completion of the Technical Validation ICANN staff will submit the selected IDN ccTLD string to the String Similarity Panel for the confusing similarity string evaluation.

2. The Panel shall conduct a confusability string evaluation of the string submitted for evaluation. The Panel may ask questions for clarification through ICANN staff.

3. The findings of the evaluation will be reported to ICANN staff. In the report the Panel will include the names of the Panellists, document the decision and provide the rationale for the decision. Where the string is considered to be confusingly similar the report shall at a minimum include a reference to the string(s) to which the confusing similarity relates and examples (in fonts) where the panel observed the similarity. ICANN staff shall inform and notify the requester accordingly.

Usually the Panel will conduct its review and send its report to ICANN staff within 30 days after receiving the IDN ccTLD string to be evaluated. In the event the Panel expects it will need more time, ICANN staff will be informed. ICANN staff shall inform the requester accordingly.

4 a. If according to the review, the Panel does not consider the string to be confusingly similar, the selected IDN ccTLD is validated.

4 b. If according to the review the selected IDN ccTLD string presents a risk of string confusion with one particular combination of two ISO 646 Basic Version (ISO 646-BV) characters and this combination is according the ISO 3166 standard the two-letter alpha-2 code associated with same Territory as represented by the selected string, this should be noted in the report. ICANN staff shall inform the requester accordingly.

If, within 3 months of receiving the report the requestor shall confirm that:

(i) The intended manager and intended registry operator for the IDN ccTLD and the ccTLD manager for the confusingly similar country code are one and the same entity; and

(ii) The intended manager of the IDN ccTLD shall be the entity that requests the delegation of the IDN ccTLD string; and

(iii) The requester, intended manager and registry operator and, if necessary, the relevant public authority, accept and document that the IDN ccTLD and the ccTLD with which it is confusingly similar will be and will remain operated by one and the same manager, and

(iv) The requester, intended manager and registry operator and, if necessary, the relevant public authority agree to specific and pre-arranged other conditions with the goal to mitigate the risk of user confusion as of the moment the IDN ccTLD becomes operational;

then the IDN ccTLD string is deemed to be valid.

If either the requester, intended manager or the relevant public authority do not accept the pre-arranged conditions within 3 months after notification or at a later stage refutes the acceptance, the IDN ccTLD shall not be validated.

Alternatively, the requester may defer from this mechanism and use the procedure as described under 4 c.

4c.

i. If according to the review the selected IDN ccTLD string is found to present a risk of string confusion, ICANN staff shall inform the requester in accordance with paragraph 3 above. The requester may call for an Extended Process Similarity Review and provide additional documentation and clarification referring to aspects in the report of the Panel. The requester should notify ICANN within three (3) calendar months after the date of notification by ICANN, and include the additional documentation. After receiving the notification from the requester, ICANN staff shall call on the Extended Process Similarity Review Panel (EPSRP).

ii. The EPSRP conducts its evaluation of the string, based on the standard and methodology and criteria developed for it, and, taking into account, but not limited to, all the related documentation from the requester, including submitted additional documentation, IDN tables available, and the finding of the Similarity Review Panel. The EPSRP may ask questions for clarification through ICANN staff.

iii. The findings of the EPSRP shall be reported to ICANN staff and will be publicly announced on the ICANN website. This report shall include and document the findings of the EPSRP, including the rationale for the final decision, and in case of the risk of confusion a reference to the strings that are considered confusingly similar and examples where the panel observed this similarity.

If according to the Extended Process Similarity Review, the EPSRP does not consider the string to be confusingly similar the selected IDN ccTLD is valid.

### ***3. Publication of IDN ccTLD string***

After successful completion of the request validation procedure and the IDN ccTLD string is valid according to both technical and string similarity review procedures, ICANN shall publish the selected IDN ccTLD String publicly on its website.

### ***4. Completion of IDN ccTLD selection process***

Once the selected IDN ccTLD string is published on the ICANN website, and the IDN ccTLD selection process is completed, delegation of the IDN ccTLD string may be requested in accordance with the current policy and practices for the delegation, re-delegation and retirement of ccTLDs. ICANN shall notify the requester accordingly.

### ***5. Change, withdrawal or termination of the request***

ICANN staff shall notify the requester of any errors that have occurred in the application. These errors include, but are not limited to:

- . The selected string is already a string delegated in the DNS, or approved for

- delegation to another party.
- . Issues pertaining to the required documentation.
- . The country or territory of the request does not correspond to a listing in the ISO3166-1 list or the European Union.
- . If in accordance with the independent review procedure the selected string is not valid.

If such errors emerge, ICANN staff should contact the requester, who should be provided the opportunity to:

- Amend, adjust or complete the request under the same application in order to abide to the criteria, or
- Withdraw the request.

If the requester has not responded within 3 calendar months of receiving the notice by ICANN staff, the request will be terminated administratively.

Details of the procedures and additional elements, such as the channel of communication, will need to be further documented. This is considered a matter of Implementation planning.

## **2.1.4 Miscellaneous Policy Recommendations**

### **A. Delegation of an IDN ccTLD must be in accordance with current policies, procedures and practices for delegation of ccTLDs**

Once the IDN ccTLD string has been selected and the String Validation Stage has been successfully concluded, the delegation of an IDN ccTLD shall be according to the policy and practices for delegation of ccTLDs. This means that the practices for re-delegation and retirement of ccTLDs apply to IDN ccTLDs.

### **B. Confidentiality of information during due diligence stage, unless otherwise foreseen.**

It is recommended that the information and support documentation for the selection of an IDN ccTLD string is kept confidential by ICANN until it has been established that the selected string meets all criteria.

### **C. Creation of list over time**

Experience has shown that entries on the ISO 3166-1 table change over time. Such a change can directly impact the eligibility for an IDN ccTLD. In order to record these changes, it is recommended that a table will be created over time of validated IDN ccTLDs, its variants and the name of the territory in the Designated Language(s), both in the official and short form, in combination with the two-letter code and other relevant entries on the ISO 3166-1 list. The purpose of creating and maintaining such a table is to maintain an authoritative record of all relevant characteristics relating to the selected string and act appropriately if one of the characteristics changes over time.

### **D. Transitional arrangement Fast Track IDN ccTLD**

1. Closure of Fast Track Process. Upon implementation of the policy for the selection of IDN ccTLDs by ICANN, the policy for selection of IDN ccTLDs only applies to new requests, unless a requester indicates otherwise.
2. If an IDN ccTLD string request submitted under the Fast Track Process is still in process or has been terminated due to non-validation of the string, the requester may within three months after implementation of the policy request a second, final validation review by the Extended Process Similarity Review Panel .

### **E. Review of policy for the selection of IDN ccTLD strings**

It is recommended that the policy will be reviewed within five years after implementation or at such an earlier time warranted by extraordinary circumstances. It is also recommended that the ICANN Board of Directors should initiate such a review including consulting the ALAC, ccNSO and GAC on the Terms of Reference for the review.

In the event such a review results in a recommendation to amend the policy, the rules relating to the country code Policy Development Process as defined in the ICANN Bylaws should apply.

## **F. Verification of Implementation**

It is anticipated that some parts of the recommendations and process steps will need to be further refined and interpreted by ICANN staff before they will be implemented. It is further anticipated that this will be done through an implementation plan or similar planning document. It is therefore recommended that the ccNSO monitors and evaluates the planned implementation of recommendations and the ccNSO Council reviews and approves the final planning document, before implementation by staff.

## **G. Permanent IDN ccTLD Advisory Panel**

Due to the complex nature of IDN's and the sensitivities and interest involved in the selection of IDN ccTLD strings, it is recommended that under the overall policy a Permanent IDN ccTLD Advisory Panel is appointed to assist and provide guidance to ICANN staff and the Board on the interpretation of the overall policy in the event the overall policy does not provide sufficient guidance and/or the impact of the policy is considered to be unreasonable or unfair for a particular class of cases.

The IDN ccTLD Advisory Panel members should consist of one member from ALAC, two members from the ccNSO, two members of the GAC, one member of SSAC. The ICANN Board should appoint the members of the Panel nominated by the related Supporting Organisation and Advisory Committees.

## Section 2.2 Recommendations on the inclusion of IDN ccTLD in the ccNSO

**1. Membership Definition:** It is recommended that the definition in Article IX section 4.1 should be updated to maintain the one-to-one correspondence between the IANA Root Zone Database and membership in the ccNSO.

### *Relevant section in the Bylaws*

Article IX section 4.1. "The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article, a ccTLD manager is the organization or entity responsible for managing an ISO 3166 country-code top-level domain and referred to in the IANA database under the current heading of "Sponsoring Organization", or under any later variant, for that country-code top-level domain."

### *Proposed change of Article IX section 4.1*

Section 4.1 should read: The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article (Article IX ICANN Bylaws), a ccTLD manager is the organization or entity responsible for managing a country-code top-level domain according to and under the current heading "Delegation Record" in the Root Zone Database, or any later variant and referred to in the IANA Root Zone Database under the current heading of "Sponsoring Organization", or under any later variant, for that country-code top-level domain."

**2. Eligibility and selection of ccNSO Councillors:** No changes proposed

**3. Initiation of a ccPDP:** In order to maintain the envisioned balance and taking into account the leading principles, the WG recommends that:

- All members of the ccNSO should be entitled to call for the creation of an Issue Report;
- These members need to be from different Territories;
- The current minimum of 10 members to request the creation of an Issue Report should be maintained.

### *Relevant section in the Bylaws*

Annex B section 1.

Request for an Issue Report.

" An Issue Report may be requested by any of the following:

....

e. *Members of the ccNSO.* The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO present at any meeting or voting by e-mail. ...."



*The proposed change to Annex B section 1 of the ICANN Bylaws:*

Request for an Issue Report.

“ An Issue Report may be requested by any of the following:

.....

e. “ *Members of the ccNSO.* The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO **representing at least ten different Territories** present at any meeting or voting by e-mail. ....”

**4., Voting:** For purposes of formal voting, the ccNSO member(s) from a Territory appoint an emissary. If either only one entity from a Territory is ccNSO member or one entity manages all of the (ASCII or IDN) ccTLDs associated with a specific Territory, by definition the representative of that entity is the emissary.

If there are two or more ccTLD managers in a Territory who have become members of the ccNSO, for purposes of voting in the ccNSO an emissary for that Territory has to be appointed by all members from that Territory.

During the period the emissary has not been appointed by all ccNSO members, the longest standing incumbent member of the ccNSO from that Territory is deemed to vote for that Territory, until such time the ccNSO Council is informed by all members from that Territory of the appointment of an emissary for the Territory.

The ccNSO Council shall maintain a register of emissaries. The rules and procedures to maintain such a register shall be developed in accordance with Article IX Section 3.11.

*Relevant sections in Article IX the Bylaws*

Designation of Representative (Article IX Section 4.5) Each ccTLD manager may designate in writing a person, organization, or entity to represent the ccTLD manager. In the absence of such a designation, the ccTLD manager shall be represented by the person, organization, or entity listed as the administrative contact in the IANA database.

Selection of Councillors (Article IX section 4.9). “....an election by written ballot (which may be by e-mail) shall be held to select the ccNSO Council members from among those nominated (with seconds and acceptances), with ccNSO members from the Geographic Region being entitled to vote in the election through their designated representatives.  
...”

Vote on Recommendations ccPDP (Annex B section 13). “Following the submission of the Members Report and within the time designated by the PDP Time Line, the ccNSO members shall be given an opportunity to vote on the Council Recommendation. The vote of members shall be electronic and members' votes shall be lodged over such a period of time as designated in the PDP Time Line ..”

*Proposed changes to Article IX and Annex B of the Bylaws*

Article IX Section 4.5 Each ccTLD manager may designate in writing a person, organization, or entity to represent the ccTLD manager in matters relating to the ccNSO (the Representative). In the absence of such a designation, the person, organization, or entity listed as the administrative contact in the IANA database shall be deemed to be the designate of the ccTLD manager by whom the ccTLD member shall be represented.

Include new Article IX Section 4.6, Designation of Emissary: In the event two or more ccTLD Managers from one and the same Territory, are members of the ccNSO, those ccTLD managers are to appoint an emissary to vote in the specific cases enumerated in this Article on behalf of the members from that country, territory or area of particular geopolitical interest, for purposes of voting in the ccNSO. For the purposes of this Article, and Annexes B and C, Territory is defined to mean the country, dependency or other area of particular geopolitical interest listed on the ‘International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes’, or, in some exceptional cases listed on the reserved ISO 3166-1 code elements.

During any period in which an emissary is not appointed, the ccTLD manager that has been the member of the ccNSO for the longest period of time is deemed to be the emissary for that Territory

For any Territory for which there is a single ccTLD manager, the Representative selected by that manager in accordance with Section 4.5 shall be the Emissary for the purpose of voting.

Include new Article IX Section 4.6.1, Register of Representatives and Emissaries: The ccNSO Council shall develop and maintain a register of Representatives and Emissaries, in accordance with Article IX Section 3.11.

Article IX Sections 4.6 through 4.11 and internal references need to be renumbered to 4.7 through 4.12.

Adjust Article IX Section 4.9 (new 4.10), Selection of Councillors: “...an election by written ballot (which may be by e-mail) shall be held to select the ccNSO Council members from among those nominated (with seconds and acceptances), with ccNSO members from the Geographic Region being entitled to vote in the election through their Emissaries.”

Adjust Annex B Section 13, Vote on Recommendations ccPDP: Following the submission of the Members Report and within the time designated by the PDP Time Line, the ccNSO members shall be given an opportunity to vote on the Council Recommendation. The vote of members shall be electronic and through their designated Emissaries. The members' votes shall be lodged over such a period of time as designated in the PDP Time Line.

**5. Quorum:** Assuming that one vote per Territory is the preferred principle, the current quorum rule is proposed to be maintained, albeit the relevant sections in the Bylaws need to be adjusted to reflect this principle.

*Relevant, current sections in the Bylaws*

Article IX Section 4.9 (Election of Councillors by members)

“.....In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum,....”

Annex B section 13. “In the event that at least 50% of the ccNSO members lodge votes within the voting period, the resulting vote will be employed without further process. In the event that fewer than 50% of the ccNSO members lodge votes in the first round of voting, the first round will not be employed and the results of a second round of voting, conducted after at least thirty days notice to the ccNSO members, will be employed irrespective of whether 50% of the ccNSO members lodge votes. In the event that more than 66% of the votes received at the end of the voting period shall be in favour of the Council Recommendation, then the recommendation shall be conveyed to the Board.....”

Article IX Section 4.9 (Election of Councillors by members)

“.....In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum,....”

*Proposed changes to Article IX and Annex B of the Bylaws*

Amend Article IX Section 4.9 (new 4.10) (Election of Councillors by members)

“.....In such an election, a majority of the Emissaries entitled to vote in the Geographic Region shall constitute a quorum,....”

Annex B section 13. “In the event that at least 50% of the Emissaries entitled to vote lodge votes within the voting period, the resulting vote will be employed without further process. In the event that fewer than 50% Emissaries lodge votes in the first round of voting, the first round will not be employed and the results of a second round of voting, conducted after at least thirty days notice to the ccNSO members, will be employed irrespective of whether 50% of the Emissaries lodge votes. In the event that more than 66% of the votes received at the end of the voting period shall be in favour of the Council Recommendation, then the recommendation shall be conveyed to the Board.....”

**6. Scope of ccPDP ( Annex C of the Bylaws):** No changes needed to the Annex C of the Bylaws.

**7. Review of the proposed policy for the inclusion of IDN ccTLD's in the ccNSO:** The proposed policy should be reviewed within five years after its implementation or sooner if warranted by extraordinary circumstances.

**8. Verification of Implementation.** It is anticipated that some parts of the recommendations relating to the inclusion of IND ccTLD's in the ccNSO will need to be further refined and interpreted by ICANN staff before they will be implemented. It is further anticipated that this will be done through an implementation plan or similar planning document. It is therefore recommended that the ccNSO monitors and evaluates the planned implementation of recommendations and the ccNSO Council reviews and approves the final planning document, before implementation by staff.

### 3. Process to date and next steps

#### 3.1 Process to date

In 2007 the ccNSO membership, other ccTLD managers and ICANN's Governmental Advisory Committee (GAC) identified a number of policy questions which were submitted to the ICANN Board of Directors<sup>23</sup>. It was clear that the development of the required policy for IDN ccTLDs to resolve the identified issues was likely to take a minimum of 2 years. Also it was clear that such a time frame was a major concern for countries and territories who had expressed a pressing need for an IDN ccTLD. As a result, the concept of a fast track approach emerged. In those discussions it was thought that it might be possible to find a method to allow the introduction of a limited number of IDN ccTLDs while the overall policy was being developed. At its meeting on 2 October 2007<sup>24</sup> the ccNSO Council requested an Issue Report to establish whether the ccNSO should launch a policy development process for the selection and delegation of IDN ccTLD's.

In April 2009, the ccNSO Council initiated the IDN ccPDP, and followed the advise of the IDN ccPDP Issue Manager, to appoint two working groups, each with its own charter, working method and schedule<sup>25</sup>:

- The purpose of the first working group (IDN ccPDP WG 1) is to study and report on a feasible overall policy for the selection and delegation of IDN ccTLDs. The working group should take into account and be guided by the joint GAC-ccNSO Issues Paper and comments received on that document, the Final Report of the IDNC Working Group and the associated Fast Track Implementation Plan and experience with the Fast Track Process.
- The purpose of the second working group is to report on changes to Article IX of the ICANN bylaws necessitated by the policy recommended by the first working group.

On 31 August 2009 the IDN ccPDP WG 1 started its activities. This resulted in publication of a draft Topic Paper on 4 November 2009<sup>26</sup>. The purpose of the Topic Paper was to identify and define the topics and issues that, in the view of the WG, need to be taken into consideration to propose a feasible policy for the selection and delegation of IDN ccTLDs. The WG therefore sought input and comments from the community on whether the topics and issues that had been identified by the WG are the relevant topics and issues that need to be addressed by a global policy for the selection and delegation of IDN ccTLDs. The public comment period closed at 4 December 2009. Based on the comments received and their analysis<sup>27</sup> the Topic Paper was updated and posted<sup>28</sup>.

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<sup>23</sup> <http://www.icann.org/topics/idn/ccnso-gac-issues-report-on-idn-09jul07.pdf>

<sup>24</sup> <http://ccnso.icann.org/about/minutes/ccnso-council-call-02oct07.pdf>

<sup>25</sup> <http://ccnso.icann.org/workinggroups/minutes-council-07apr09.pdf>

<sup>26</sup> <http://www.icann.org/en/news/public-comment/idns-policy-04nov09-en.htm>

<sup>27</sup> <http://forum.icann.org/lists/idn-ccpdp/msg00010.html>

<sup>28</sup> <http://ccnso.icann.org/node/10977>

To move forward the chair of the WG had a chair's Interim Paper published for public comment<sup>29</sup>. The purpose of this paper was to report to the community on structure and potential directions of the recommendations for the overall policy. Building on the Topic Paper, an initial draft for the proposed policy for the selection and delegation of IDN ccTLDs (Draft Recommended Policy), and any documentation necessitated by the Draft Recommended Policy was presented for discussion. The proposed policy followed the Methodology of the Fast Track Process as proposed by the IDNC Working Group and implemented under the Fast Track Process. The public comment period closed on 2 April 2010 and the summary and analysis of the comments received was posted on 26 April 2010<sup>30</sup>.

In November 2010, the WG published its Progress report<sup>31</sup> prior to the ICANN meeting Cartagena, Columbia (5-10 December 2010). The goal of this report was to inform the community about the progress made to date by the WG and to solicit input and feedback on its work. The working group has been discussing the criteria and requirements for the selection of IDN ccTLD's. Following the consultations, the chair of the WG reported to the ccNSO Council that issues had been identified which are out of scope of the IDN ccPDP, in particular issues pertaining to the use of country and territory names as Top Level Domains. The ccNSO Council established a ccNSO Study Group<sup>32</sup> which will conduct its activities and report to the community under its own mandate and charter<sup>33</sup>.

In March 2011, the ccNSO Council passed a resolution to request the IDN PDP Working Group 1 to investigate issues pertaining to confusable similarity of IDN ccTLD strings. This followed from a discussion at the ccNSO meetings session during the ICANN San Francisco meeting, in particular from the discussion of the results of the Fast Track review.<sup>34</sup> The IDN ccPDP WG 1 was also requested to develop, as soon as possible, guidelines (within the framework of the existing rules for the Fast Track) to improve the predictability of the evaluation relating to string confusion as defined in the IDNC Final Report and the Final Implementation report adopted by the ICANN Board in November 2009. As a result the ccNSO Council requested the ICANN Board to amend the Fast Track Process<sup>35</sup>. The Fast Track Implementation Plan was adjusted accordingly.<sup>36</sup> The discussions on the confusing similarity of requested IDN ccTLD strings have continued in

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<sup>29</sup> <http://www.icann.org/en/news/public-comment/idn-cctlds-02mar10-en.htm>

<sup>30</sup> <http://forum.icann.org/lists/idn-ccpdp/pdfeFO5KBtHX5.pdf>

<sup>31</sup> <http://ccnso.icann.org/announcements/announcement-29nov10-en.htm>

<sup>32</sup> <http://ccnso.icann.org/workinggroups/notes-ccnso-council-25jan11-en.pdf>

<sup>33</sup> <http://ccnso.icann.org/workinggroups/use-of-names-statement-of-purpose-31jan10-en.pdf>

<sup>34</sup> <http://www.icann.org/en/news/announcements/announcement-8-21feb11-en.htm>

<sup>35</sup> <http://ccnso.icann.org/workinggroups/minutes-council-26oct11-en.pdf>

<sup>36</sup> <http://www.icann.org/en/resources/idn/fast-track/idn-cctld-implementation-plan-15dec11-en.pdf>

the WG, also taking into account the statements of the GAC on this particular subject.<sup>37</sup>

In August 2012 the WG published its draft Final Paper<sup>38</sup>. The goal was to report on the draft policy recommendations for the selection of IDN ccTLDs associated with the territories listed in the ISO 3166-1 (IDN ccTLDs) within the framework of the IDN country code Policy Development Process and to seek public comments on its draft recommendations. The public comment period closed on 9 November. Based on the analysis of the comments received<sup>39</sup> and consultations throughout the Toronto ICANN meeting, there was no need to update the draft, and the WG agreed on the final text of its recommendations. The Final Paper was then published in December 2012.<sup>40</sup>

The IDN ccPDP WG 2 commenced its activities on 5 August 2010.<sup>41</sup> It has awaited the first results of IDN ccPDP WG 1. As stated in its charter, this Wg had to take into account the proposals and recommendations of IDN ccPDP WG 1. Building on the Issue Report of the Issue Manager, the WG identified potential issues that need to be resolved to include IDN ccTLD's in the ccNSO. The WG reported on their findings in its Interim Paper.<sup>42</sup> The purpose of the Interim report was to report to and seek input and feed-back from the community, in particular whether the list of topic and topics was complete and potential solutions.

Following further discussions and seeking further input and feed-back from the community at the ccNSO meeting session<sup>43</sup>, the WG published its draft Final Paper on 22 October 2011. The purpose of the paper was to report to the community on the draft recommendations and seek their comments and input. Some of the recommendations included were supported unanimously, others by just a majority. The Public comment period closed on 15 December 2011 and no comments were received.

At the ICANN Prague meeting (June 2012) the WG presented their findings again at the ccNSO members meeting.<sup>44</sup> As a result of the discussions at the Prague meeting, the WG finalised its recommendations, which are supported unanimously by the members of the WG and reflected in the Final Paper of the WG.

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[https://gacweb.icann.org/download/attachments/10125361/FINAL\\_GAC\\_Communique\\_20120628.pdf?version=1&modificationDate=1341949563000](https://gacweb.icann.org/download/attachments/10125361/FINAL_GAC_Communique_20120628.pdf?version=1&modificationDate=1341949563000) and

<sup>38</sup> <http://www.icann.org/en/news/public-comment/draft-recommendations-idn-cctld-selection-29aug12-en.htm>

<sup>39</sup> <http://www.icann.org/en/news/public-comment/report-comments-draft-recommendations-idn-cctld-selection-05dec12-en.pdf>

<sup>40</sup> <http://ccnso.icann.org/workinggroups/final-recommendations-idn-cctld-selection-21dec12-en.pdf>

<sup>41</sup> <http://ccnso.icann.org/workinggroups/notes-ipwg2-05aug10-en.pdf>

<sup>42</sup> <http://ccnso.icann.org/workinggroups/idn-pdp-wg2-final-interim-report-22nov10-en.pdf>

<sup>43</sup> For example at the Dakar ccNSO meeting see: <http://dakar42.icann.org/meetings/dakar2011/presentation-idn-pdp-wg2-voting-mechanism-hotta-25oct11-en.pdf>

<sup>44</sup> <http://prague44.icann.org/meetings/prague2012/presentation-idn-pdp-wg1-wg2-boswinkel-26jun12-en.pdf>

The Final Papers of both IDN WG 1 and WG 2 have been submitted to the IDN ccPDP Manager, and the recommendations are now included in the Interim Report.

### **3.2 Next Steps**

The Interim Report is published for public comments and feed-back in accordance with Annex B of the ICANN Bylaws by the Issue Manager. Also in accordance with the rules of the IDN ccPDP, the Issue Manager shall at the end of the comment period review the comments received and may, in the Issue Manager's reasonable discretion, add appropriate comments to Interim Report, to prepare the "Final Report". The Issue Manager shall not be obligated to include all comments made during the comment period, nor shall the Issue Manager be obligated to include all comments submitted by any one individual or organization<sup>45</sup>.

Once completed the Final Report will be submitted to the chair of the ccNSO Council. The chair will then distribute the report among the Council members and formally send the Final Report to the GAC chair with an invitation to the GAC to offer opinion or advise. The Council will then start its deliberations on the topics covered and consider whether to make a recommendation. The council recommendation(s) will then be put into a Members Report and submitted to the ccNSO Members to vote upon the recommendations.

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<sup>45</sup> In terms of the graphical representation of the ccNSO Policy Development Process (see: <http://ccnso.icann.org/policy/pdp-15jan13-en.pdf>) the ccNSO PDP is currently at its initial reporting phase.



**Annex A: Final Paper Draft Policy Recommendations  
IDN ccTLD String Selection Criteria, Requirements and Processes**

December 2012  
IDN country code Policy Development Process  
Working Group 1

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## 1. Introduction

### **Purpose of the working group**

The purpose of the working group (WG) is to report on and identify a feasible policy for the selection and delegation of IDN ccTLDs associated with the territories listed in the ISO 3166-1 (IDN ccTLDs) within the framework of the IDN country code Policy Development Process.

### **Scope of activities**

In meeting its purpose, the WG focused on, without limitation, the proposals and recommendations of the IDNC Working Group and the Implementation Plan based on the work of the IDNC WG, and has taken into account the experiences under and reviews of the IDNccTLD Fast Track Process

As this WG will undertake its activities within the framework of the IDN ccPDP, the limitations on the scope of a ccPDP, in particular by Article IX of and Annex C to the Bylaws, shall limit the scope of the WG's work in a similar manner.

If issues outside this scope become apparent to the WG, the Chair of the WG should inform the ccNSO Council of the issue so that it can be taken into account and dealt with more appropriately. As a result the chair of the WG has informed the ccNSO Council of the issues pertaining to the use of country and territory names in ASCII as TLDs. The ccNSO Council has established a Study Group to look into this matter.

### **Fast Track Process and overall policy for the selection of IDN ccTLD strings**

Until the introduction of IDN ccTLDs under the Fast Track Process, ccTLD strings were limited to the two letter codes obtained from the ISO 3166-1 list designating the Territory. As this mechanism could not be used for the selection of IDN ccTLD strings, a three-stage process was introduced which is commonly referred to as the Fast Track Process.

Based on the experience to date with the Fast Track Process, and to avoid doubt and ambiguity, the proposed policy is a two-stage process:

Stage 1: String selection in Territory

Stage 2: Evaluation of proposed string

It is recommended that the delegation of IDN ccTLDs shall be in accordance with the delegation process of (ASCII) ccTLDs. Thus the recommendations contained in this report build on and are complementary to the delegation, re-delegation and retirement processes applicable to all ccTLDs. This means that once the selection process of an IDN ccTLD has been successfully completed, the policy, procedures and practices for the delegation, re-delegation and retirement of ccTLDs apply.

For the Fast Track Process the criteria and requirements for selection of the IDN ccTLD string as well as the process elements were described throughout both the IDNC WG

Final Report and the Final Implementation Plan. The WG agreed to present the criteria and requirements for the selection of IDN ccTLD strings separately from processes and procedures. The WG also agreed that the starting point for the overall policy should be the criteria for the Fast Track. The proposed policy also takes into account 3 years of experience and the two Fast Track Process reviews.

In this report the overarching principles (Section 2) and the agreed criteria and requirements (Section 3) are presented first. The purpose of the overarching principles is to set the parameters within which the policy recommendations have been developed, and should be interpreted and implemented. The processes and procedures are described in section 4. Finally in Section 5 (Miscellaneous) general recommendations, such as the review of the policy, are proposed.

In each of the sections 2, 3, 4 and 5 the recommendations are listed first. If considered useful informative notes and comments are included. These notes and comments are not part of the recommendations themselves, but are included to provide depth and colour to the recommendation.

The recommendations describe (at a high level) the decisions and requirements, activities, roles, and responsibilities of the actors involved in the processes. It is anticipated that further detail may need to be added by ICANN staff as a matter of implementation and it is recommended that the ccNSO reviews and approves the final planning document, prior to implementation.

## Section 2. Overarching Principles

The purpose of the overarching principles is to set the parameters within which the policy recommendations have been developed, should be interpreted and implemented. They take into account the experiences of the IDN Fast Track Process and subsequent discussions. They have been developed to structure, guide and set conditions for the recommended policy, its implementation and future interpretation.

**A. Association of the (IDN) country code Top Level Domain with a territory.** Under the current policy for the delegation of (ASCII) ccTLDs, the two letter ASCII codes associated with the territories listed in the ISO 3166-1 standard are eligible for delegation as a ccTLD. Only the same territories shall be eligible to select IDN ccTLD strings.

**B. (ASCII) ccTLD and IDN ccTLDs are all country code Top Level Domains.** (ASCII) ccTLD and IDN ccTLDs are all country code Top Level Domains and as such are associated with a territory listed on the ISO 3166-1 list. Whilst there may be additional specific provisions required for IDN ccTLDs, due to their nature (for example criteria for the selection of an IDN ccTLD string) all country code Top Level Domains should be treated in the same manner.

**C. Preserve security, stability and interoperability of the DNS.** To the extent different, additional rules are implemented for IDN ccTLDs these rules should:

- Preserve and ensure the security and stability of the DNS;
- Ensure adherence with the RFC 5890, RFC 5891, RFC 5892, RFC 5893 and ICANN IDN guidelines.
- Take into account and be guided by the work in progress on the Principles for Unicode Code Point Inclusion in Labels in the DNS Root<sup>46</sup>.

**D. Ongoing Process.** Requests for the delegation of IDN ccTLDs should be an ongoing process and requests submitted at any time. Currently the delegation of a ccTLD can be requested at any time, once all the criteria are met.

**E. Criteria determine the number of IDN ccTLDs.** The criteria to select the IDN ccTLD string should determine the number of eligible IDN ccTLDs per Territory, not an arbitrarily set number.

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<sup>46</sup> Still in draft mode. A new updated version is anticipated. The status will need to be monitored.  
Reference: <http://tools.ietf.org/html/draft-sullivan-dns-zone-codepoint-pples-00>

### **Section 3. Criteria for the selection of an IDN ccTLD string**

#### **A. An IDN country code Top Level Domain must contain at least one (1) non-ASCII character.**

For example, *españa* would qualify under this criteria and *italia* would not. *españa* contains at least one other character other than [-, a-z, 0-9], while still being a valid top level domain name.

A different way of expressing this is that the selected IDN ccTLD must be a valid U-Label that can also be expressed as an A-label. It cannot be a NR-LDH Label.

For more formal definitions of these terms, see RFC 5890.

#### **B. Eligibility only if the name of territory listed on ISO 3166.**

To be eligible for a IDN ccTLD string, a country, territory, dependency or other area of particular geopolitical interest (hereafter referred to as: Territory or Territories) must be listed on the ‘International Standard ISO 3166, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes’, or, in some exceptional cases a two letter ASCII (letters a-z ) code associated with the Territory already assigned as a ccTLD and listed as an exceptionally reserved ISO 3166-1 code element<sup>47</sup>.

#### **C. The IDN ccTLD string must be a Meaningful Representation of the name of a Territory.**

The principle underlying the representation of Territories in two letter (ASCII) code elements is the visual association between the names of Territories (in English or French, or sometimes in another language) and their corresponding code elements<sup>48</sup>. The principle of association between the IDN country code string and the name of a Territory should be maintained. A selected IDN ccTLD string must be a meaningful representation of the name of the Territory. A country code string is considered meaningful if it is:

- a) The name of the Territory; or
- b) Part of the name of the Territory that denotes the Territory; or
- c) A short-form designation for the name of the Territory, recognizably denoting the name.

#### **D. A Meaningful Representation of the name of the Territory must be in a Designated Language of the Territory**

The selected IDN ccTLD string should be a meaningful representation of the name of the territory in a “designated” language of that Territory. For this purpose a “designated”

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<sup>47</sup> In exceptional cases code elements for Territory names may be reserved for which the ISO 3166/MA has decided not to include in ISO 3166 part 1, but for which an interchange requirement exists. See Section 7.5.4 ISO 3166 – 1 : 2006.

<sup>48</sup> See ISO 3166-1: 2006 Section 5.1

language is defined as a language that has a legal status in the Territory or that serves as a language of administration (hereafter: Designated Language)<sup>49</sup>.

The definition of Designated Language is based on: “Glossary of Terms for the Standardization of Geographical Names”, United Nations Group of Experts on Geographic Names, United Nations, New York, 2002.

The language is considered to be a Designated Language if one or more of the following requirements are met:

4. The language is listed for the relevant Territory as an ISO 639 language in Part Three of the “Technical Reference Manual for the standardization of Geographical Names”, United Nations Group of Experts on Geographical Names (the UNGEGN Manual) (<http://unstats.un.org/unsd/geoinfo/default.htm>).
5. The language is listed as an administrative language for the relevant Territory in ISO 3166-1 standard under column 9 or 10.
6. The relevant public authority in the Territory confirms that the language is used in official communications of the relevant public authority and serves as a language of administration.

In Section 4, processes and documentation, specific requirements regarding documentation of Designated Languages are included.

**E. If the selected string is not the long or short form of the name of a Territory then evidence of meaningfulness is required.**

Where the selected string is the long or short form name of the relevant Territory in the Designated Language as listed in the UNGEGN Manual, Part Three column 3 or 4 version 2007, or later versions of that list it is considered to be meaningful.

Where the selected string is not listed in the UNGEGN then meaningfulness must be adequately documented. This is the case when:

- (i) The selected string is not part of the long or short form name of the Territory in the UNGEGN Manual in the Designated Language or
- (ii) An acronym of the name of the Territory in the Designated Language or
- (iii) the Territory or the Designated Language do not appear in the UNGEGN Manual.

If such documentation is required, the documentation needs to clearly establish that:

- The meaning of the selected string in the Designated Language and English and
- That the selected string meets the meaningfulness criteria.

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<sup>49</sup> The limitation to Designated Language is recommended as criteria for reasons of stability of the DNS. According to some statistics currently 6909 living languages are identified. See for example: [http://www.ethnologue.com/ethno\\_docs/distribution.asp?by=area](http://www.ethnologue.com/ethno_docs/distribution.asp?by=area). If one IDN ccTLD would be allowed per territory for every language this would potentially amount to 252\*6909 or approximately 1.7 million IDN ccTLDs.

In Section 4, processes and documentation, specific requirements regarding documentation of the Meaningful Representation are included.

**F. Only one (1) IDN ccTLD string per Designated Language.**

In the event that there is more than one Designated Language in the Territory, one (1) unique IDN ccTLD for each Designated Language may be selected, provided the meaningful representation in one Designated Language cannot be confused with an existing IDN ccTLD string for that Territory.

Where a language is expressed in more than one script in a territory, then it is permissible to have one string per script, although the multiple strings are in the same language.

*Notes and Comments*

It should be noted that other requirements relating to non-confusability are applicable and should be considered, including the specific procedural rules and conditions for cases when the same manager will operate two or more (IDN) ccTLD's which are considered to be confusingly similar.

**G. The selected IDN ccTLD string should be non-contentious within the territory.**

The selected IDN ccTLD string must be non-contentious within the territory. This is evidenced by support/endorsement from the Significantly Interested Parties (relevant stakeholders) in the territory.

Concurrent requests for two strings in the same language and for the same territory will be considered competing requests and therefore to be contentious in territory. This needs to be resolved in territory, before any further steps are taken in the selection process.

**H. The selected IDN ccTLD string must abide by all Technical Criteria for an IDN TLD string.**

In addition to the general requirements for all labels (strings), the selected IDN ccTLD string must abide to the normative parts of RFC 5890, RFC 5891, RFC 5892 and RFC 5893.

All applicable technical criteria (general and IDN specific) for IDN ccTLD strings should be documented as part of the implementation plan. For reasons of transparency and accountability they should be made public prior to implementation of the overall policy and endorsed by the ccNSO.

Validation that a string meets the technical criteria is a process step and shall be conducted by an external, independent panel. The recommended procedure is described in Section 4, Processes and Documentation.



The method and criteria for the technical validation should be developed as part of the implementation plan and are a critical part of the review process. For reasons of transparency and accountability they should be made public prior to implementation of the overall policy and endorsed by the ccNSO.

### **I. Confusing similarity of IDN ccTLD Strings**

A selected IDN ccTLD string should not be confusingly similar with:

3. Any combination of two ISO 646 Basic Version (ISO 646-BV) characters<sup>50</sup> (letter [a-z] codes), nor
4. Existing TLDs or reserved names.

The following supplemental rules provide the thresholds to solve any contention issues between the IDN ccTLD selection process and new gTLD process:

- A gTLD application that is approved by the ICANN Board will be considered an existing TLD unless it is withdrawn.
- A validated request for an IDN ccTLD will be considered an existing TLD unless it is withdrawn.

A selected IDN ccTLD string is considered confusingly similar with one or more other string(s) (which must be either Valid-U-labels or any a combination of two or more ISO 646 BV characters) if the appearance of the selected string in common fonts in small sizes at typical screen resolutions is sufficiently close to one or more other strings so that it is probable that a reasonable Internet user who is unfamiliar with the script would perceive the strings to be the same or confuse one for the other<sup>51</sup>.

The review of whether or not a selected IDN ccTLD string is confusingly similar is a process step and should be conducted externally and independently. The recommended procedure is described in Section 4, Processes and Documentation.

The method and criteria to assess confusing similarity should be developed as part of the implementation planning. For reasons of transparency and accountability they should be made public prior to implementation of the overall policy and endorsed by the ccNSO.

The assessment of confusing similarity of strings depends on amongst other things linguistic, technical, and visual perception factors, therefore these elements should be taken into consideration in developing the method and criteria.

Taking into account the overarching principle to preserve and ensure the security, stability and interoperability of the DNS, the method and criteria for the confusing similarity assessment of an IDN ccTLD string should take into account and be guided by the work in progress on Principles for Unicode Point Inclusion in labels in the DNS Root (<http://tools.ietf.org/html/draft-sullivan-dns-zone-codepoint-pples-00>).

#### *Notes and Comments*

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<sup>50</sup> International Organization for Standardization, "Information Technology – ISO 7-bit coded character set for information interchange," ISO Standard 646, 1991

<sup>51</sup> Based on Unicode Technical Report #36, Section 2: Visual Security Issues

The rule on confusing similarity originates from the IDNC WG and Fast Track Implementation Plan and was introduced to minimize the risk of confusion with existing or future two letter country codes in ISO 3166-1 and other TLDs. This is particularly relevant as the ISO 3166 country codes are used for a broad range of applications, for example but not limited to, marking of freight containers, postal use and as a basis for standard currency codes.

The risk of string confusion is not a technical DNS issue, but can have an adverse impact on the security and stability of the domain name system, and as such should be minimized and mitigated.

The method and criteria used for the assessment cannot be determined only on the basis of a linguistic and/or technical method of the string and its component parts, but also needs to take into account and reflect the results of scientific research relating to confusing similarity, for example from cognitive neuropsychology<sup>52</sup>.

## **J. Variants**

### PLACEHOLDER

To date (June 2012) identifying the issues pertaining to the management of variant TLD's are still under discussion by the community, in particular the delineation of technical, policy and operational aspects. For this reason policy recommendations pertaining to the management of variant IDN ccTLDs, if any, are not included, but will be added at a later stage.

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<sup>52</sup> See for example, M. Finkbeiner and M. Coltheart (eds), Letter Recognition: from Perception to Representation. Special Issue of the Journal *Cognitive Neuropsychology*, 2009

## **Section 4 Processes and Documentation**

Under the overall policy a two-stage process is recommended for the selection of an IDN ccTLD string:

Stage 1: String selection stage in Territory

Stage 2: Validation of IDN ccTLD string

In the remainder of this section the processes, procedures and required documentation, if any, will be described both at a general level and in a more detailed fashion for both stages.

### **Stage 1: String Selection stage in Territory**

#### ***General Description***

The string selection stage is a local matter in Territory and should ideally involve all relevant local actors in Territory. The actors in Territory must:

5. Identify the script and language for the IDN Table and prepare this Table if necessary,
6. Select the IDN ccTLD string. The selected string must meet the meaningfulness and technical requirements and should not be confusingly similar.
7. Document endorsement /support of the relevant stakeholders in Territory for the selected string, and
8. Select the intended IDN ccTLD string requester before submitting an IDN ccTLD string for validation. In cases where the string requester is not yet selected, the relevant public authority of the Territory may act as nominee for the to be selected string requester.

#### ***Notes and Comments***

As stated the string selection stage is a local matter in Territory and should ideally involve all relevant local actors in Territory. Typically this would include:

- The IDN ccTLD string requester. This actor initiates the next step of the process, provides the necessary information and documentation, and acts as the interface with ICANN. Typically this actor is the expected IDN ccTLD manager.
- The relevant public authority of the Territory associated with the selected IDN ccTLD.
- Parties to be served by the IDN ccTLD. They are asked to show that they support the request and that it would meet the interests and needs of the local Internet community.

Additionally these actors may wish to involve recognised experts or expert groups to assist them actors to select the IDN ccTLD string, prepare the relevant IDN Table or assist in providing adequate documentation.

Further, and at the request of the actors in Territory ICANN may provide assistance to them to assist with the in Territory Process.

#### ***Detailed aspects String Selection Stage***

### IDN Table

As part of the preparation in territory an IDN Table must be defined. The IDN Table needs to be in accordance with the requirements of the policy and procedures for the IANA IDN Practices Repository<sup>53</sup>. The IDN Table may already exist i.e. has been prepared for another IDN ccTLD or gTLD using the same script and already included in the IANA IDN Practices Repository. In this case the existing and recorded IDN Table may be used by reference.

If the same script is used in two or more territories, cooperation is encouraged to define an IDN Table for that script. ICANN is advised either to facilitate these processes directly or through soliciting relevant international organisation to facilitate.

### Documentation of required endorsement / support for selected string by Significantly Interested Parties

Definition of Significantly Interested Parties. Significantly Interested Parties include, but are not limited to: a) the government or territorial authority for the country or territory associated with the IDN ccTLD string and b) any other individuals, organizations, companies, associations, educational institutions or others that have a direct, material, substantial, legitimate and demonstrable interest.

To be considered a Significantly Interested Party, any party other than the government or territorial authority for the country or territory associated with the selected IDN ccTLD must demonstrate that it has a direct, material, legitimate and demonstrable interest in the operation of the proposed IDN ccTLD(s).

Requesters should be encouraged to provide documentation of the support of stakeholders for the selected string, including an opportunity for stakeholders to comment on the selection of the proposed string via a public process. "Stakeholders" is used here to encompass Significantly Interested Parties, "interested parties" and "other parties."

### Classification of input

For procedural purposes the following cases should be distinguished:

- Request for the full or short name of Territory (as defined in Section 3 E).
- Other cases, where additional documentation is required.

In both cases the relevant Government / Public Authority needs to be involved and at a minimum its non-objection should be documented.

### Notes and Comments

In case where additional documentation is required:

- Unanimity should NOT be required.

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<sup>53</sup> <http://www.iana.org/procedures/idn-repository.html>

- The process should allow minorities to express a concern i.e. should not be used against legitimate concerns of minorities
- The process should not allow a small group to unduly delay the selection process.

ICANN should include an example of the documentation required to demonstrate the support or non-objection for the selected string(s) in the implementation plan.

*Documentation of the meaningfulness of the selected IDN ccTLD string*

The selected IDN ccTLD string(s) must be a meaningful representation of the name of the corresponding country or territory. A string is deemed to be meaningful if it is in the designated language of the country or territory and if it is:

- 4 The name of the country or territory; or
- 5 A part of the name of the country or territory denoting the country or territory; or
- 6 A short-form designation for the name of the country or territory that is recognizable and denotes the country or territory in the selected language.

The meaningfulness requirement is verified as follows:

1. If the selected string is listed in the UNGEGN Manual, then the string fulfills the meaningfulness requirement.
2. If the selected string is not listed in the UNGEGN Manual, the requester must then substantiate the meaningfulness by providing documentation from an internationally recognized expert or organization.

ICANN should recognize the following experts or organizations as internationally recognized:

- d. National Naming Authority – a government recognized National Geographic Naming Authority, or other organization performing the same function, for the country or territory for which the selected string request is presented. The United Nations Group of Experts on Geographical Names (UNGEGN) maintains such a list of organizations at:  
<http://unstats.un.org/unsd/geoinfo/UNGEGN/naa.html>
- e. National Linguistic Authority – a government recognized National Linguistic Authority, or other organization performing the same function, for the country or territory for which the selected string request is presented.
- f. ICANN agreed expert or organization – in the case where a country or territory does not have access to one of the Authorities listed before, it may request assistance from ICANN to identify and refer a recognized expert or organization. Any expertise referred from or agreed to by ICANN will be

considered acceptable and sufficient to determine whether a string is a meaningful representation of a Territory name.

*Notes and Comments*

ICANN should include an example of the documentation that demonstrates the selected IDN ccTLD string(s) is a meaningful representation of the corresponding Territory in the implementation plan.

ICANN should include a procedure, including a timeframe, to identify expertise referred to or agreed as set out above under c. in the implementation plan.

*Documentation Designated Language*

The requirements for allowable languages and scripts to be used for the selected IDN ccTLD string are:

The language must be a Designated language in the territory, and have legal status in the Territory, or serve as a language of administration.

The language requirement is considered verified as follows:

- If the language is listed for the relevant Territory as an ISO 639 language in Part Three of the *Technical Reference Manual for the standardization of Geographical Names, United Nations Group of Experts on Geographical Names* (“UNGEGN Manual”) (<http://unstats.un.org/unsd/geoinfo/default.htm>); or
- If the language is listed as an administrative language for the relevant Territory in the ISO 3166-1 standard under column 9 or 10; or
- If the relevant public authority of the Territory confirms that the language is used or serves as follows, (either by letter or link to the relevant government constitution or other online documentation from an official government website):
  - Used in official communications by the relevant public authority; or
  - Serves as a language of administration.

*Notes and Comments*

ICANN should include an example of the documentation that the selected language(s) is considered designated in the Territory should in the implementation plan.

## Stage 2: Validation of IDN ccTLD string

### **General description**

The String Validation stage is a set of procedures to ensure all criteria and requirements regarding the selected IDN ccTLD string (as listed in Section 3 of the Report) have been met. Typically this would involve:

- The IDN ccTLD string requester. This actor initiates the next step of this stage of the process by submitting a request for adoption and associated documentation.
- ICANN staff. ICANN staff will process the submission and coordinate between the different actors involved.
- Independent Panels to review the string (Technical and Similarity Panels).

The activities during this stage would typically involve:

7. Submission of IDN table.
8. Submission of selected string and related documentation.
9. Validation of selected IDN ccTLD string:
  - a. ICANN staff validation of request. This includes
    - i. Completeness of request
    - ii. Completeness and adequacy of Meaningfulness and Designated Language documentation
    - iii. Completeness and adequacy of support from relevant public authority
    - iv. Completeness and adequacy of support from other Significantly Interested Parties
  - b. Independent Reviews.
    - i. Technical review
    - ii. String Confusion review
10. Publication of selected IDN ccTLD string on ICANN website
11. Completion of string Selection Process
12. Change, withdrawal or termination of the request.

## ***Detailed aspects String Validation Stage***

### ***1. Submission of IDN Table***

As part of the validation stage an IDN Table needs to be lodged with the IANA IDN Repository of IDN Practices, in accordance with the policy and procedures for the IANA IDN Practices Repository<sup>54</sup>.

### ***2. Submission procedure for selected string and related documentation***

This part of the process is considered a matter of implementation.

### ***3. Validation of selected string***

#### ***a. ICANN staff validation of the request***

After the requester has submitted a request for an IDN ccTLD string, ICANN should at least validate that:

- The selected IDN ccTLD refers to a territory listed on ISO 3166-1 list
- The selected string (A-label) does not exist in the DNS, nor is approved for delegation to another party,
- The selected string (U-label) contains at least one (1) non-ASCII character.
- The required A-label, U-label, and corresponding Unicode points to designate the selected IDN ccTLD string are consistent.
- Documentation on meaningfulness is complete and meets the criteria and requirements.
- Documentation on the Designated Language is complete and meets the criteria and requirements.
- Documentation to evidence support for the selected string is complete and meets the criteria and requirements and is from an authoritative source.

If one or more elements listed are not complete or deficient, ICANN shall inform the requester accordingly. The requester should be allowed to provide additional information, correct the request, or withdraw the request (and potentially resubmit at a later time). If the requester does not take any action within 3 months after the notification by ICANN that the request is incomplete or contains errors the request may be terminated by ICANN for administrative reasons.

If all elements listed are validated, ICANN shall notify the requester accordingly and the Technical Validation Procedure will be initiated.

If ICANN staff anticipates issues pertaining to the Technical and String Confusion Review during its initial review of the application, ICANN staff is advised to inform the requester of its concerns. The requester will have the opportunity to either:

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<sup>54</sup> <http://www.iana.org/procedures/idn-repository.html>



5. Change the selected string, or
6. Tentatively request two or more strings as part of the application including a ranking of the preference to accommodate the case where the preferred string is not validated.
7. Withdraw the request, or
8. Continue with the request as originally submitted.

Details of the verification procedures and additional elements, such as the channel of communication, will need to be further determined. This is considered a matter of Implementation planning.

#### *b. Independent Reviews*

##### **General description of Technical and string confusion review**

It is recommended that ICANN appoint the following external and independent Panels:

- To validate the technical requirements ICANN should appoint a “Technical Panel<sup>55</sup>” to conduct a technical review of the selected IDN ccTLD string.
- To validate a selected string is not confusingly similar, ICANN should appoint an external and independent “Similarity Review Panel” to review the selected IDN ccTLD string for confusing similarity.
- To allow for a final validation review relating the confusing similarity, and only if so requested by the requester, ICANN should appoint, an external and independent “Extended Process Similarity Review Panel.”

As part of the implementation planning the details of the roles and responsibilities of the panels and its membership requirements should be developed in conjunction with the development of the methods and criteria for assessing the technical<sup>56</sup> and confusing similarity<sup>57</sup> validity of the selected IDN ccTLD strings and details of the reporting as foreseen for the validation processes.

##### **Process for Technical Validation**

1. After completion of the ICANN staff validation of the request, ICANN staff will submit the selected IDN ccTLD string to the “Technical Panel” for the technical review.
2. The Technical Panel conducts a technical string evaluation of the string submitted for evaluation. If needed, the Panel may ask questions for clarifications through ICANN staff.
3. The findings of the evaluation will be reported to ICANN staff. In its report the Panel shall include the names of the Panellists and document its findings, and the rationale for the decision.

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<sup>55</sup> Or any other name ICANN would prefer.

<sup>56</sup> See Section 3 H

<sup>57</sup> See Section I

4 If according to the technical review the string meets all the technical criteria the string is technically validated. If the selected string does not meet all the technical criteria the string is not-valid. ICANN staff shall inform and notify the requester accordingly.

#### *Notes and Comments*

The Technical Panel is supposed to conduct its review and send its report to ICANN staff within a reasonable time (for the Fast Track Process this was 30 days after receiving the batch of IDN ccTLD strings to be evaluated). In the event the Panel expects it will need more time, ICANN staff will be informed. ICANN staff shall inform the requester accordingly.

#### **Process for confusing similarity validation**

1. After completion of the Technical Validation ICANN staff will submit the selected IDN ccTLD string to the String Similarity Panel for the confusing similarity string evaluation.

2. The Panel shall conduct a confusability string evaluation of the string submitted for evaluation. The Panel may ask questions for clarification through ICANN staff.

3. The findings of the evaluation will be reported to ICANN staff. In the report the Panel will include the names of the Panellists, document the decision and provide the rationale for the decision. Where the string is considered to be confusingly similar the report shall at a minimum include a reference to the string(s) to which the confusing similarity relates and examples (in fonts) where the panel observed the similarity. ICANN staff shall inform and notify the requester accordingly.

Usually the Panel will conduct its review and send its report to ICANN staff within 30 days after receiving the IDN ccTLD string to be evaluated. In the event the Panel expects it will need more time, ICANN staff will be informed. ICANN staff shall inform the requester accordingly.

4 a. If according to the review, the Panel does not consider the string to be confusingly similar, the selected IDN ccTLD is validated.

4 b. If according to the review the selected IDN ccTLD string presents a risk of string confusion with one particular combination of two ISO 646 Basic Version (ISO 646-BV) characters and this combination is according the ISO 3166 standard the two-letter alpha-2 code associated with same Territory as represented by the selected string, this should be noted in the report. ICANN staff shall inform the requester accordingly.

If, within 3 months of receiving the report the requestor shall confirm that:

- (i) The intended manager and intended registry operator for the IDN ccTLD and the ccTLD manager for the confusingly similar country code are one and the same entity; and
- (ii) The intended manager of the IDN ccTLD shall be the entity that requests the delegation of the IDN ccTLD string; and
- (iii) The requester, intended manager and registry operator and, if necessary, the relevant public authority, accept and document that the IDN ccTLD and the ccTLD with which it is confusingly similar will be and will remain operated by one and the same manager, and

(iv) The requester, intended manager and registry operator and, if necessary, the relevant public authority agree to specific and pre-arranged other conditions with the goal to mitigate the risk of user confusion as of the moment the IDN ccTLD becomes operational;

then the IDN ccTLD string is deemed to be valid.

If either the requester, intended manager or the relevant public authority do not accept the pre-arranged conditions within 3 months after notification or at a later stage refutes the acceptance, the IDN ccTLD shall not be validated.

Alternatively, the requester may defer from this mechanism and use the procedure under 4 c.

4c.

i. If according to the review the selected IDN ccTLD string is found to present a risk of string confusion, ICANN staff shall inform the requester in accordance with paragraph 3 above. The requester may call for an Extended Process Similarity Review and provide additional documentation and clarification referring to aspects in the report of the Panel. The requester should notify ICANN within three (3) calendar months after the date of notification by ICANN, and include the additional documentation. After receiving the notification from the requester, ICANN staff shall call on the Extended Process Similarity Review Panel (EPSRP).

ii. The EPSRP conducts its evaluation of the string, based on the standard and methodology and criteria developed for it, and, taking into account, but not limited to, all the related documentation from the requester, including submitted additional documentation, IDN tables available, and the finding of the Similarity Review Panel. The EPSRP may ask questions for clarification through ICANN staff.

iii. The findings of the EPSRP shall be reported to ICANN staff and will be publicly announced on the ICANN website. This report shall include and document the findings of the EPSRP, including the rationale for the final decision, and in case of the risk of confusion a reference to the strings that are considered confusingly similar and examples where the panel observed this similarity.

If according to the Extended Process Similarity Review, the EPSRP does not consider the string to be confusingly similar the selected IDN ccTLD is valid.

#### ***4. Publication of IDN ccTLD string***

After successful completion of the request validation procedure and the IDN ccTLD string is valid according to both technical and string similarity review procedures, ICANN shall publish the selected IDN ccTLD String publicly on its website.

#### ***5. Completion of IDN ccTLD selection process***

Once the selected IDN ccTLD string is published on the ICANN website, and the IDN ccTLD selection process is completed, delegation of the IDN ccTLD string may be requested in accordance with the current policy and practices for the delegation, re-delegation and retirement of ccTLDs. ICANN shall notify the requester accordingly.

#### ***6. Change, withdrawal or termination of the request***

ICANN staff shall notify the requester of any errors that have occurred in the application. These errors include, but are not limited to:

- . The selected string is already a string delegated in the DNS, or approved for delegation to another party.
- . Issues pertaining to the required documentation.
- . The country or territory of the request does not correspond to a listing in the ISO3166-1 list or the European Union.
- . If in accordance with the independent review procedure the selected string is not valid.

If such errors emerge, ICANN staff should contact the requester, who should be provided the opportunity to:

- Amend, adjust or complete the request under the same application in order to abide to the criteria, or
- Withdraw the request.

If the requester has not responded within 3 calendar months of receiving the notice by ICANN staff, the request will be terminated administratively.

Details of the procedures and additional elements, such as the channel of communication, will need to be further documented. This is considered a matter of Implementation planning.

## Section 5. Miscellaneous

### **Delegation of an IDN ccTLD must be in accordance with current policies, procedures and practices for delegation of ccTLDs**

Once the IDN ccTLD string has been selected and the String Validation Stage has been successfully concluded, the delegation of an IDN ccTLD shall be according to the policy and practices for delegation of ccTLDs. This means that the practices for re-delegation and retirement of ccTLDs apply to IDN ccTLDs.

### **Confidentiality of information during due diligence stage, unless otherwise foreseen.**

It is recommended that the information and support documentation for the selection of an IDN ccTLD string is kept confidential by ICANN until it has been established that the selected string meets all criteria.

### **Creation of list over time**

Experience has shown that entries on the ISO 3166-1 table change over time. Such a change can directly impact the eligibility for an IDN ccTLD. In order to record these changes, it is recommended that a table will be created over time of validated IDN ccTLDs, its variants and the name of the territory in the Designated Language(s), both in the official and short form, in combination with the two-letter code and other relevant entries on the ISO 3166-1 list. The purpose of creating and maintaining such a table is to maintain an authoritative record of all relevant characteristics relating to the selected string and act appropriately if one of the characteristics changes over time.

### *Notes and comments*

As noted above the ISO 3166-1 is not only relevant for the creation of a ccTLD. Once an entry is removed from the list of country names, the ccTLD entry in the root zone database may need to be adjusted/removed to maintain parity between the ISO 3166 list and the root-zone file<sup>58</sup>.

### **Transitional arrangement Fast Track IDN ccTLD**

3. Closure of Fast Track Process. Upon implementation of the policy for the selection of IDN ccTLDs by ICANN, the policy for selection of IDN ccTLDs only applies to new requests, unless a requester indicates otherwise.
4. If an IDN ccTLD string request submitted under the Fast Track Process is still in process or has been terminated due to non-validation of the string, the requester may within three months after implementation of the policy request a second, final validation review by the Extended Process Similarity Review Panel .

### **Review of policy for the selection of IDN ccTLD strings**

It is recommended that the policy will be reviewed within five years after implementation or at such an earlier time warranted by extraordinary circumstances. It is also recommended that the ICANN Board of Directors should initiate such a review

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<sup>58</sup> See: <http://www.iana.org/reports/2007/rs-yu-report-11sep2007.html>

including consulting the ALAC, ccNSO and GAC on the Terms of Reference for the review.

In the event such a review results in a recommendation to amend the policy, the rules relating to the country code Policy Development Process as defined in the ICANN Bylaws should apply.

### **Verification of Implementation**

It is anticipated that some parts of the recommendations and process steps will need to be further refined and interpreted by ICANN staff before they will be implemented. It is further anticipated that this will be done through an implementation plan or similar planning documents. It is therefore recommended that the ccNSO monitors and evaluates the planned implementation of recommendations and the ccNSO Council reviews and approves the final planning document, before implementation by staff.

### **Permanent IDN ccTLD Advisory Panel**

Due to the complex nature of IDN's and the sensitivities and interest involved in the selection of IDN ccTLD strings, it is recommended that under the overall policy a Permanent IDN ccTLD Advisory Panel is appointed to assist and provide guidance to ICANN staff and the Board on the interpretation of the overall policy in the event the overall policy does not provide sufficient guidance and/or the impact of the policy is considered to be unreasonable or unfair for a particular class of cases.

The IDN ccTLD Advisory Panel members should consist of one member from ALAC, two members from the ccNSO, two members of the GAC, one member of SSAC. The ICANN Board should appoint the members of the Panel nominated by the related Supporting Organisation and Advisory Committees.

**Annex B: Final Paper On issues and possible solutions pertaining to the inclusion of IDN ccTLD managers in the country code Names Supporting Organization**

**November 2012**

**IDN ccPDP Working Group 2**

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## Final Paper

### **Internationalised Domain Names country code name supporting organisation policy development process Working Group on Inclusion of IDN ccTLDs in the ccNSO (IDNccPDP WG 2).**

#### **Executive Summary**

The purpose of the IDN country code policy development process Working Group 2 (IDN ccPDP WG 2) is to report on and identify feasible recommendations for the inclusion of IDN ccTLDs in the ccNSO within the framework of the IDN ccPDP.

The WG has identified the following clusters of issues/topic area's:

2. Membership definition.
3. Roles of members
  - a. Eligibility and selection of ccNSO Councillors
  - b. Initiation of PDP
  - c. Voting
4. Quorum for voting
5. Scope of PDP as defined in Annex C
6. Review of proposed policy

**Membership Definition:** The WG recommends that the definition in Article IX section 4.1 should be updated to maintain the one-to-one correspondence between the IANA Root Zone Database and membership in the ccNSO.

**Eligibility and selection of ccNSO Councillors:** No changes proposed

**Initiation of a ccPDP:** In order to maintain the envisioned balance and taking into account the leading principles, the WG recommends that:

- All members of the ccNSO should be entitled to call for the creation of an Issue Report;
- These members need to be from different Territories;
- The current minimum of 10 members to request the creation of an Issue Report should be maintained.

**Voting:** For purposes of formal voting, the ccNSO member(s) from a Territory appoint an emissary. If either only one entity from a Territory is ccNSO member or one entity manages two or more (IDN) ccTLD's associated with a specific Territory, by definition the representative of that entity is the emissary.

If there are two or more ccTLD managers in a Territory who have become members of the ccNSO, for purposes of voting in the ccNSO an emissary for that Territory has to be appointed by all members from that Territory.

If during the period the emissary has not been appointed by all ccNSO members from that Territory, the incumbent member of the ccNSO from that Territory is deemed to

vote for that Territory until such time the ccNSO Council is informed by all members from that Territory of the appointment of an emissary for the Territory. The ccNSO Council shall maintain a register of emissaries who vote. The rules and procedures to maintain such a register shall be developed in accordance with Article IX Section 3.11.

**Quorum:** Assuming that one vote per Territory is the preferred principle, the current quorum rule could be maintained, albeit the relevant sections in the Bylaws need to be adjusted to reflect this principle.

**Scope of ccPDP ( Annex C of the Bylaws):** No changes needed to the Annex C of the Bylaws.

**Review of the proposed policy for the inclusion of IDN ccTLD's in the ccNSO:** The proposed policy should be reviewed within five years after its implementation or sooner if warranted by extraordinary circumstances.

The Working Group has submitted its Final report to the Issue manager to be included in the IDN ccPDP Interim Report.

## **A. Introduction**

The purpose of the IDN country code policy development process Working Group 2 (IDN ccPDP WG 2) is to report on and identify feasible recommendations for the inclusion of IDN ccTLDs in the ccNSO within the framework of the IDN ccPDP. The members of the Working Group are listed in Annex A.

The scope of the IDN ccPDP WG 2 is to focus on, without limitation, examination of Article IX of the ICANN Bylaws and associated Annexes (Annex B and C of the ICANN Bylaws). It shall also take into account the proposals and recommendations of the IDN country code policy development process Working Group 1 (IDN ccPDP WG 1) on the selection and delegation of IDN ccTLDs associated with the territories listed in the ISO 3166-1 (IDN ccTLDs).

As this IDN ccPDP WG 2 undertakes its activities within the framework of the IDN ccPDP, the limitations on the scope of a ccPDP, in particular those of Article IX and Annex C to the Bylaws, apply accordingly.

In the course of its activities the WG noted the need to adjust some of the internal rules and guidelines of the ccNSO to reflect the inclusion of IDN ccTLD's in the ccNSO with the recommendations under the IDN ccPDP. However, the WG also noted this would be out of scope of the WG as defined under the IDN ccPDP. The Chair of the WG informed the ccNSO Council accordingly and suggested at the same time that the WG could address the issues identified in the Rules and Guidelines. The ccNSO adopted this approach at its

meeting<sup>59</sup>. The recommendations of the WG pertaining to the Rules and Guidelines will be presented in a separate paper.

## **B. Scope of the Final Report**

The purpose of this report is to inform the community on the recommendations for the inclusion of IDN ccTLD's in the ccNSO.

Starting from the elements as highlighted in the Interim<sup>60</sup> Report, the WG identified potential issues that need to be resolved to include IDN ccTLD's in the ccNSO.

To date the WG has identified the following clusters of issues/topic area's:

- 1 Membership definition
- 2 Roles of members
  - a. Eligibility and selection of Councillors to the ccNSO Council
  - b. Initiation of PDP
  - c. Voting (Policy development process, selection of Councillors)
- 3 Quorum for voting
- 4 Scope of PDP as defined in Annex C
- 5 Review of the policy for the inclusion of IDN ccTLD's in the ccNSO

The Rules and Guidelines of the ccNSO are not addressed and not included in the analysis of the Working Group in this Report. These include, for example, the Board selection process and review of ccNSO Council decisions, which are out of scope of the IDN ccPDP, although they do reflect the current bylaws. According to its charter the Chair of the WG has informed the ccNSO Council accordingly and suggested that the Rules and Guidelines may need to be updated to reflect the inclusion of IDN ccTLD's in the ccNSO. The ccNSO Council requested the WG to include it in its activities and propose to the Council changes needed, if any<sup>61</sup>.

The WG has also noted that a single entity or organisation could manage two or more country-code Top Level Domains for two different Territories. The fact that any entity may manage two or more ASCII ccTLD's is out of scope of the IDN ccPDP as well. The Chair of the WG will inform the ccNSO Council accordingly and suggest that this needs to be addressed in due time.

From 22 October 2011 until 15 December 2011 the Working Group published its Draft Final Report for public comments<sup>62</sup>. During the Dakar ccNSO meeting the recommendations were presented to the ccTLD community to seek their input<sup>63</sup>. No comments were received. During the Prague ccNSO meetings, the issue of voting was

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<sup>59</sup>See ccNSO council minutes at: <http://ccnso.icann.org/node/21027> .

<sup>60</sup> Interim Paper of the IDN ccPDP WG 2: <http://ccnso.icann.org/announcements/announcement-22nov10-en.htm>

<sup>61</sup> The WG will submit a separate paper with proposals to align the Rules and Guidelines of the ccNSO with the proposals contained in this Report

<sup>62</sup> <http://www.icann.org/en/news/announcements/announcement-22oct11-en.htm>

<sup>63</sup> 25 October 2011

presented to the community again<sup>64</sup>. At this meeting the members of ccTLD community present indicated a preference for the one vote per territory method which was subsequently fully supported by the members of the WG.

This Final report is submitted to the Issue manager of the IDN ccTLD ccNSO Policy development Process to be included in the IDN ccPDP Interim Report.

In the balance of this Report each the four topic areas identified will be presented in the following manner:

- Description of the issue(s);
- The potential directions for solutions, if any, and the preferred option of the WG (Draft Recommendation). If feasible this will include proposed changes to Article IX of the ICANN Bylaws.
- The recommendation
- The Reference(s) to the paragraph(s) in Article IX or Annexes are included.

## **C Topic Area's Identified**

### **1. Membership definition**

#### *Issue*

The current definition of Membership in the ccNSO<sup>65</sup> does not allow existing and new IDN ccTLD to become member of the ccNSO. In particular the section in the current definition “managing an ISO 3166 country-code top-level domain” is considered to be too limiting. Although the relation between an entry in the ISO 3166 list and the IDN ccTLD is maintained, an IDN ccTLD manager operates a (cc)TLD that is not a ISO 3166 country code in the strict sense.

Furthermore, the WG considered whether there is a difference in Membership between cases that one entity manages two or more ccTLD's in two more different Territories<sup>66</sup> and cases that an one entity manages an IDN ccTLD and (ASCII) ccTLD in the same Territory.

With regard to some of the issues identified by the WG, there is in principle no difference between a manager that operates two or more ccTLD's and a manager that operates an ASCII ccTLD and an IDN ccTLD for the same Territory. However, the case that a manager operates two or more ccTLD's in different Territories is considered out of scope of the IDN ccPDP<sup>67</sup>. The chair of the WG will inform the ccNSO Council accordingly.

In the view of the WG the current Bylaws (as well as the Membership application form) seem to be written with the prevailing circumstance in mind of a 1:1:1 mapping of the country code (i.e. Territory) - ccTLD string - ccTLD manager. The circumstance of

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<sup>64</sup> 25 June 2012

<sup>65</sup> Article IX Section 4.1

<sup>66</sup> For purposes of this report Territory or Territories are defined as: countries, dependencies or other area of particular geopolitical interests that are listed on the 'International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes', or, in some exceptional cases is listed on the reserved ISO 3166-1 code elements.

<sup>67</sup> During the deliberations of the WG this was considered hypothetical. However when .GE and .JJ became members of the ccNSO this became a reality.

multiple ccTLDs managed by one manager or multiple delegations per Territory in the event IDN ccTLD('s) and an ASCII ccTLD was not taken into consideration in defining Membership when the ccNSO was formed.

The Working Group agreed that it would not enter into an attempt to define the distinctive features of a (IDN) ccTLD. The WG noted that the structure of the current definition, a direct reference to the IANA Root Zone Database is effective and allows for a distinction between ccTLD and other TLD's. The WG proposes to maintain that link.

### ***Recommendation 1***

The WG recommends that the definition in Article IX section 4.1 should be updated to maintain the one-to-one correspondence between the IANA Root Zone Database and Membership in the ccNSO.

#### *Relevant section in the Bylaws*

Article IX section 4.1. "The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article, a ccTLD manager is the organization or entity responsible for managing an ISO 3166 country-code top-level domain and referred to in the IANA database under the current heading of "Sponsoring Organization", or under any later variant, for that country-code top-level domain."

#### *Proposed definition*

Section 4.1 should read: The ccNSO shall have a membership consisting of ccTLD managers. Any ccTLD manager that meets the membership qualifications stated in [paragraph 2 of this Section](#) shall be entitled to be members of the ccNSO. For purposes of this Article (Article IX ICANN Bylaws), a ccTLD manager is the organization or entity responsible for managing a country-code top-level domain according to and under the current heading "Delegation Record" in the Root Zone Database, or any later variant and referred to in the IANA Root Zone Database under the current heading of "Sponsoring Organization"<sup>68</sup>, or under any later variant.,

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<sup>68</sup> (ASCII) ccTLD's are to date recorded in the IANA database as:

#### **Delegation Record for .EG**

(Country-code top-level domain designed for **Egypt**)

#### **Sponsoring Organisation**

Egyptian Universities Network (EUN)

Supreme Council of Universities

Cairo University

## **2. Role of members**

The second topic area the WG identified is the role of members. This area includes eligibility to the Council, voting rights and initiation of a PDP. Each of these clusters will be dealt with separately.

### **a. Eligibility and nomination of ccNSO Councillors**

#### *Issue*

Currently the ccNSO members from each region select three (3) members for the Council. According to Article IX of the ICANN Bylaws there are no requirements to qualify as a potential Councillor. For example, a Councillor is not required to be associated with a ccNSO member, nor is there a requirement for geographic diversity.

According to the current rules, a candidate for the ccNSO council seat for a Geographic Region needs to be nominated and seconded by members from that Region. With potentially two or more ccNSO members from a single Territory, a candidate may be nominated and seconded by members from the same Territory.

Associated with this issue is the case that an IDN ccTLD and ASCII ccTLD are operated by the same entity (which is already the case with some of the current IDN ccTLD and (ASCII) ccTLD's from certain Territories).

A different case is when two or more people from the same Territory are nominated and therefore, two or more people from the same Territory could be elected for the Council.

In the view of the WG the current principle, no specific requirements to qualify as a potential Councillor, should be maintained. This is reinforced by the principle that IDN ccTLD's and ASCII ccTLD's should be treated equally.

### **Recommendation 2**

The WG proposes that everybody should be entitled to run for any office or committee, and all members from the ccNSO should be equally entitled to nominate or second candidates for any office or committee.

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Delegated IDN ccTLD's are to date recorded in the IANA database as:

**Delegation Record for Delegation Record for مصر. (Country-code top-level domain designed for Egypt).**

#### **Sponsoring Organisation**

National Telecommunication Regulatory Authority – NTRA  
Smart Village, B4 K28

Therefore, no changes or adjustments to the relevant sections of Article IX of the ICANN Bylaws are foreseen.

#### *Relevant sections in the Bylaws*

Article IX section 3.1. “ The ccNSO Council shall consist of (a) three ccNSO Council members selected by the ccNSO members within each of [ICANN's Geographic Regions](#) in the manner described in [Section 4\(7\) through \(9\) of this Article](#); (b) three ccNSO Council members selected by the ICANN Nominating Committee;...”

Article IX section 4.8: “Any ccNSO member may nominate an individual to serve as a ccNSO Council member representing the ccNSO member's Geographic Region. Nominations must be seconded by another ccNSO member from the same Geographic Region.

#### **b. Initiation of PDP**

##### *Issue(s)*

Currently a country code Policy Development Policy can be initiated, among others, by at least 10 (ten) members of the ccNSO. The assumptions at the time of the formation of the ccNSO were that:

- By definition all members would be from different Territories.
- The threshold of 10 members was a reasonable and fair balance between the opportunity for members to initiate a ccPDP and the impact such a process would have on the whole community.

With potentially two or more country-code top-level domains for the same Territory managed by a single entity or organisation this assumption is no longer valid<sup>69</sup>.

The WG considered the following alternatives:

1. Leave it as it is.
2. Replace the number 10 by a minimum percentage of ccNSO members.
3. Introduce a ceiling on the number of managers from the same Territory.
4. The members should be associated with different Territories, but leaving the numbers “as is”.

As noted, the leading principle of the WG is that managers of ASCII and IDN ccTLD’s should be treated equally. Based on this principle both ASCII and IDN ccTLD’s managers should be entitled to initiate a ccPDP. At the same time the WG believes that the parity

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<sup>69</sup> For Example: To date (October 2011) 7 IDN ccTLD were delegated for India. This would imply that potentially the ccNSO could have 8 members from India.

The WG notes that a single entity or organisation also could manage two or country-code top Level Domains for two different Territories. To the extent these organisations or entities manage two or more ASCII ccTLD’s this issue is out of scope of the IDN ccPDP.

between members should be maintained, in particular between entities or organisations managing one (1) or managing two or more country-code Top Level Domains for the same Territory.

The WG also notes that to date members of the ccNSO have not requested an Issue Report.

### ***Recommendation 3***

In order to maintain the envisioned balance and taking into account the leading principles, the WG recommends that:

- All members of the ccNSO should be entitled to call for the creation of an Issue Report;
- These members need to be from different Territories;
- The current number of 10 members should be maintained.

#### *Relevant section in the Bylaws*

Annex B section 1.

Request for an Issue Report.

“ An Issue Report may be requested by any of the following:

.... e. *Members of the ccNSO*. The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO present at any meeting or voting by e-mail. ....”

The WG suggests the following language for Annex B section 1.

Request for an Issue Report.

....

“ *Members of the ccNSO*. The members of the ccNSO may call for the creation of an Issue Report by an affirmative vote of at least ten members of the ccNSO each managing a country-code level Top-Level Domain from a different country, dependency or other area of particular geopolitical interest listed on the ‘International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes’, or, in some exceptional cases listed on the reserved ISO 3166-1 code elements, present at any meeting or voting by e-mail. ....”

### **c. Voting**

#### *Issue*

Currently, some processes of the ccNSO are determined by voting of the members, in particular the selection of councillors and the adoption of the recommendations of a ccPDP. At the time the ccNSO was formed this was considered one of the main safeguards for the members of the ccNSO.



The current general rule for the formal voting is one vote per member. With the inclusion of IDN ccTLDs, in some cases two or more ccTLD managers from the same Territory may vote, or one ccTLD manager who manages two or more (IDN) ccTLDs from the same Territory may cast two or more votes<sup>70</sup>. As a result, the ccNSO formal voting processes and the principle that all ccTLD managers are equal are at stake.

#### *Alternatives*

The Working Group considered the following principle alternatives regarding voting:

- One Vote per Member
- One Vote per Territory

#### **One Vote per member**

All ASCII and IDN ccTLDs managers who are member have equal voting rights. Effectively this implies that the current system is kept in place<sup>71</sup>.

One vote per member ensures equal treatment and footing of all members. This rule also reflects that the ccNSO is in principle a professional organisation based on an understanding of peers. However, if one entity or organisation manages two or more country-code Top-Level Domains, such an entity or organisation would hold multiple votes. As a result, one entity or Territory would have more voting power than others. This would contradict the parity principle between ccTLD's and hence between Territories.

The WG notes that by introducing the limitation that if one and the same manager operates two or more ccTLDs in a Territory, then for voting purposes this manager is considered as one member of the ccNSO, parity of ccTLD managers could be maintained. However, the parity between territories is still not ensured, in the event of two or more different managers operate the ( ID) ccTLD's associated with a specific Territory.

#### **One vote per Territory**

The WG notes that formal voting is limited to two instances: voting in the council selection process and voting on the outcome of a ccPDP. Other instances of Membership vote, such as requesting an issue report to initiate a ccPDP, are considered to be of a different kind and should therefore be treated differently.

The underlying principle for the creation of ccTLDs (ASCII and IDN's) is listing of the Territory in the ISO 3166 -1 standard (including Territories that are listed on the

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<sup>70</sup> A ccTLD manager who manages two or more (IDN) ccTLD's may apply for Membership for each and every ccTLD that is managed. For example: Assume the current manager of all (IDN) ccTLD's in India would apply for each of them. Under the current rule and would therefore be able to cast 8 votes under the current rules. As noted in Section C 1 above the case that a manager operates two or more ccTLD's in different Territories is considered out of scope of the IDN ccPDP. However, the WG is of the opinion this issue should be addressed consistently across the board.

<sup>71</sup> For example, currently (October 2012) all the country-code Top Level Domains for India, have been delegated to the same organisation/Sponsoring Organisation. Assuming that this organisation would apply for Membership for all 8 ccTLD's, this organisation would be entitled to 8 votes.

exceptionally reserved list of ISO 3166-1). This principle should be reflected in the ccNSO and hence the voting<sup>72</sup>.

As previously stated the WG is working under the assumption that all (IDN and ASCII) managers should be treated equally. In the context of voting this implies parity between managers within a Territory and parity across Territories.

At the same time the WG notes that in Territories with multiple IDN ccTLDs, they usually represent different language groups and/or cultures, or even different sub-territorial entities. Unless one manager operates all (IDN) ccTLD's in the Territory, a consensus position on sensitive matters could prove to be hard to achieve. However, taking into account the limited policy scope of the ccNSO (as defined in Annex C of the ICANN Bylaws) and that local matters should first and foremost be resolved in Territory, and should not affect the ccNSO, the WG believes that one vote per Territory is the preferred option.

#### **Recommendation 4**

Taking into account the general principle that all ccTLD managers should be treated equally and looking at the impact of the each of the basic rules on voting processes, the members of the WG recommends as a basic rule for voting: one vote per Territory.

*Effectuating the one vote per Territory: Fractional voting or one emissary per Territory?*

In the event of two or more members in a Territory two basic mechanisms are envisioned to achieve one vote per Territory:

- Fractional voting by all the members in the Territory
- Appointment of an emissary per Territory

#### **Fractional voting**

Fractional voting: When two or more ccNSO members from a single ISO 3166 entity take part in voting, their collective vote counts as one. Thus for n voting members from the same ISO3166 entity, each member gets 1/n votes. This is easy to count if the voting is not secret; for secret ballots, such members could be given specially marked ballots with the correct fraction noted. Appropriate measures can also be provided for electronic voting.

Within this mechanism, at least two models can be discerned:

1. Staggered voting: If there are two or more (n) members from one Territory each member has 1/n vote for that Territory. Majority of votes determines the vote for that Territory.

If there are two or more (n) members from one Territory each member from that Territory has 1/n vote for that Territory. To calculate the result of the voting: The majority of votes in that Territory determine the vote for that Territory. The WG notes that if the same manager manages two or more IDN ccTLD's, and another manager the

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<sup>72</sup> The difference between IDN ccTLD's and ccTLD's is the mechanisms for visual association of the country code and the name of the Territory. For ccTLD the mechanisms is provided by the ISO 3166 standard, for IDN ccTLD the mechanism is currently provided through the rules of the Fast Track Process and in future by the overall policy.

ASCII ccTLD, the vote for that Territory will always be determined by the IDN ccTLD manager. It is also noted that if there are only two different members in a Territory and they vote differently, the vote for that Territory will be undetermined.

2. Conduct voting at the same time. If there are two or more members in a Territory, the votes for those members are cast at the same time and are added up with all other votes.

All (fractional) votes are summed to determine a majority and/or quorum. The WG notes that the value and meaning of such a result will be very difficult to determine and assess. Assume that in Region A in Territory X there are three (3), and in Territory Y two (2) members of the ccNSO. Further there are 40 other voting ccTLD managers / territories. A possible outcome of the fractional voting could be  $21 \frac{1}{6}$  (20 members + 2 out of 3 members and 1 out of 2 members) in favour and  $20 \frac{5}{6}$  (20 members, 1 out of 3 and 1 out of 2 members) against a proposal. In the view of the WG such a result does not make sense. Secondly, although it appears as if all members in the Region have a vote, some members will have a larger vote than others.

### **Appointment of an emissary for the Territory**

Emissary per Territory: The ccNSO member(s) from a Territory appoint(s) and designate an emissary<sup>73</sup>, whose sole role is to represent the ccTLD(s) in the ccNSO pertaining to voting. For example in case of a Council election the appointed emissary will receive the electronic ballot.

If either there is one ccNSO member from a Territory or two or more members from a Territory are managed by the same entity, by definition the representative in the ccNSO is the emissary.

In the event of two or more different members of the ccNSO from the same Territory, the members from that Territory appoint the emissary for that Territory. This may become an issue if the managers in the Territory cannot reach consensus on either the mechanism to appoint the emissary or the person itself. However, the WG believes this is first and foremost an issue that should be resolved locally, and should not affect the ccNSO<sup>74</sup>. The ccNSO Council should be notified when an emissary is appointed to represent the Territory for voting. This needs to be done by all ccNSO members from that Territory. In practical terms this could be done by a web-form, similar to the application form. For timing purposes the ccNSO will need to confirm receipt of the notice.

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<sup>73</sup> The term "emissary" is introduced to avoid confusion with the term "representative". According to the application form to join the ccNSO a representative is defined as: here the Sponsoring Organisation is listed in the IANA database as an individual person then that person is the Representative. Where the Sponsoring Organisation is listed in the IANA database as an organisation then the Representative is the individual person who is completing the application form for the organisation and is authorised to do so by the organisation. (see: <http://ccnso.icann.org/applications/form.htm>).

<sup>74</sup> If this mechanism is adopted, the WG suggests that members, who are facing the need to appoint an emissary, develop a workable procedure, which considers for example terms limits, or internal consultation mechanisms.

The ccNSO Council will need to maintain a register of emissaries who vote (effectively this will be maintained by the ccNSO Secretariat).

The WG notes potential transitional issues. Assuming one ccTLD manager from a Territory is a longstanding member of the ccNSO, what will happen when the application of another ccTLD manager has been approved by the ccNSO Council? According to the the WG, during the transition period, i.e. the time it takes to appoint an emissary for the Territory, the current emissary is deemed to represent the ccTLD (s) from that Territory until such time the ccNSO Council is informed otherwise. In the event two ccTLD managers apply for Membership at the same time, these two will be asked to work out first who will represent the ccTLD's from the Territory pertaining to voting before the application is approved by the ccNSO Council.

### ***Recommendation 5***

For purposes of formal voting the ccNSO member(s) from a Territory appoint an emissary. If either only one entity from a Territory is ccNSO member or one entity manages two or more (IDN) ccTLD's associated with a specific Territory, by definition the representative of that entity is the emissary.

If there are two or more ccTLD managers in a Territory who have become members of the ccNSO, for purposes of voting in the ccNSO an emissary for that Territory has to be appointed by all members from that Territory.

During the period the emissary has not been appointed by all ccNSO members, the incumbent member of the ccNSO from that Territory is deemed to vote for that Territory until such time the ccNSO Council is informed by all members from that Territory of the appointment of an emissary for the Territory.

The ccNSO Council shall maintain a register of emissaries who vote. The rules and procedures to maintain such a register shall be developed in accordance with Article IX Section 3.11.

### ***Relevant sections in Article IX the Bylaws***

Suggested changes to Article IX and Annex C of the ICANN Bylaws will be proposed as part of the Interim Report.

#### ***Designation of Representative (Article IX Section 4.5)***

Each ccTLD manager may designate in writing a person, organisation, or entity to represent the ccTLD manager. In the absence of such a designation, the ccTLD manager shall be represented by the person, organisation, or entity listed as the administrative contact in the IANA database.

Selection of Councillors (Article IX section 4.9). "...an election by written ballot (which may be by e-mail) shall be held to select the ccNSO Council members from among those nominated (with seconds and acceptances), with ccNSO members from the Geographic Region being entitled to vote in the election through their designated representatives. ..."

Vote on Recommendations ccPDP (Annex C section 13). "Following the submission of the Members Report and within the time designated by the PDP Time Line, the ccNSO

members shall be given an opportunity to vote on the Council Recommendation. The vote of members shall be electronic and members' votes shall be lodged over such a period of time as designated in the PDP Time Line ..”

### **3. Quorum**

#### *Issue*

In Article IX of the ICANN Bylaws quorum rules for voting are defined. These rules were introduced to increase support for the ccNSO, legitimate the outcome of a process and mitigate the risk that a minority could determine the outcome of a voting. The WG understands that at the time these rules were defined the basic assumptions were:

- One vote per ccTLD manager; and
- One ccTLD per Territory (ISO 3166 entry).

With the inclusion of IDN ccTLD the underlying model for the quorum rules may not work anymore as originally envisioned. As a result, the quorum rules as currently stated may have unexpected side effects.

The Working Group notes that as a result of the increasing number of members the impact of the quorum rules may result in inefficiencies and ineffectiveness of the ccNSO. This is partly due to the potential undetermined number of delegated IDN ccTLD's under the current rules of the Fast Track process and the envisioned overall policy, and partly to the more general issue of increased Membership of the ccNSO,

The Working Group also notes that the impact on the quorum rules by the inclusion of IDN ccTLD's in the ccNSO is mainly determined by the principle underlying the voting mechanism (one vote per Member or one vote per Territory).

#### *Alternatives*

If the preferred voting principle is one vote per ccTLD manager/member, the behaviour of one entity or organisation with two or more votes would greatly impact the quorum rules. For example if few organisations holding two or more votes would vote, and a larger number of members with only one vote would not, the threshold of 50% of potential votes will be reached, although a small number of organisations have casted their votes and vice versa. Therefore, a limited number of (IDN) ccTLD's may determine the outcome of a vote.

If the preferred voting principle is one vote per Territory, the impact of the inclusion of IDN ccTLDs is expected to be minimal on the quorum rule and the current quorum rules could be maintained with a minimal adjustment (reflecting the number votes have to be aligned with one vote per Territory).

#### ***Recommendation 6***

Based on the one vote per Territory principle, the current quorum rule should be maintained, albeit the relevant sections on quorum rules in Article IX of the ICANN Bylaws need to be adjusted to reflect the principle and methodology of one vote per Territory.

*Relevant, current sections in the Bylaws*

Suggested changes to Article IX and Annex C of the ICANN Bylaws will be proposed as part of the Interim Report.

Article IX Section 4.9 (Election of Councillors by members)

“.....In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum,....”

Annex B section 13. “In the event that at least 50% of the ccNSO members lodge votes within the voting period, the resulting vote will be employed without further process. In the event that fewer than 50% of the ccNSO members lodge votes in the first round of voting, the first round will not be employed and the results of a second round of voting, conducted after at least thirty days notice to the ccNSO members, will be employed irrespective of whether 50% of the ccNSO members lodge votes. In the event that more than 66% of the votes received at the end of the voting period shall be in favour of the Council Recommendation, then the recommendation shall be conveyed to the Board.....”

Article IX Section 4.9 (Election of Councillors by members)

“.....In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum,....”

#### **4. Scope of PDP as defined in Annex C**

The scope to conduct a Policy Development Process is very limited and was developed to reflect the roles and responsibilities of ccTLDs and ICANN. The Working Group considered whether there were particular characteristics of IDN ccTLDs or ICANN’s role vis-a vis IDN ccTLDs which would require the development of specific IDN ccTLD related policies.

The Working Group notes that there is a general consensus that IDN ccTLDs and (ASCII) ccTLDs should be treated similar, and therefore, no special arrangement regarding policy development for IDN ccTLDs should be introduced. It is also noted that it is generally accepted that the current scope for a PDP suffices to develop an overall policy for the introduction and delegation of IDN ccTLDs.

Consequently, the Working Group believes that the scope for Policy Development Processes does not need to be adjusted to reflect the inclusion of IDN ccTLDs in the ccNSO.

#### ***Recommendation 7***

No changes needed to the Annex C of the Bylaws.

## **5. Review of the Policy for the inclusion of IDN ccTLD's in the ccNSO**

### ***Recommendation 8***

It is recommended that the proposed policy for the inclusion of IDN ccTLD's in the ccNSO is reviewed within five years after implementation or at such an earlier time warranted by extraordinary circumstances. It is also recommended that the ICANN Board of Directors should initiate such a review including consultations with the ccNSO on the Terms of Reference for such a review. In the event such a review results in a recommendation to amend the policy, the rules relating to the country code Policy Development Process as defined in the ICANN Bylaws shall apply.

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