

Dear Steve,

Dakar, 26th October 2011

## **ccNSO Council Resolution on IDN Confusing Similarity**

At its meeting in San Francisco, the ccNSO Council adopted a resolution to request a sub-group of IDN ccPDP WG1 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 process relating to string confusion as defined in the IDNC WG Final Report and the Final Implementation Plan, as adopted by the ICANN Board in November 2009.

The sub-working group is focusing on various issues, and has not yet concluded its work, in particular on improving the predictability of the overall string evaluation process.

Taking into account the experimental nature of the IDN ccTLD Fast Track process and the overarching requirement to preserve the security and stability of the DNS, the risk of string confusion with any of two letter [a-z] codes (for existing and future ccTLD's) is reduced as much as possible. Therefore, an IDN ccTLD string that either does not meet the technical criteria as listed in the Implementation Plan or is confusingly similar with any combination of two letter [a-z] is not valid under the IDN ccTLD Fast Track Process.

However, in some cases, the requested IDN ccTLD string is a meaningful representation of the name of the territory and is **only** confusingly similar with the two-letter [a-z] country code that is associated with the same territory.

In addition, if the proposed IDN ccTLD manager is and remains the manager of both the IDN ccTLD and the two-letter country code TLD, additional measures can mitigate the risk of user confusion.

At our meeting on 26 October in Dakar, the ccNSO Council adopted the following resolution:

“Taking into account the experimental nature of the IDN ccTLD Fast Track process, in particular the experiences gained with the confusingly similarity evaluation as foreseen in the Implementation Plan, the ccNSO Council requests the ICANN Board of Directors to instruct staff to amend the relevant sections of IDN ccTLD Implementation Plan so that:

1. Where the DNS Stability Panel finds that a requested IDN ccTLD string is **ONLY** confusingly similar with the two –letter ASCII ccTLD that refers to the same territory this should be noted in its findings and reported.
2. If it is documented that:
  1. The intended manager for the requested IDN ccTLD and the manager for the two-letter ASCII ccTLD are one and the same entity; and
  2. The applicant shall in future request the delegation for the IDN ccTLD string; and
  3. The applicant, and if necessary the relevant public authority, accept and document that the IDN ccTLD and ccTLD are and remain to be operated by one and the same manager, and 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 requested IDN ccTLD string is deemed to be valid under the IDN ccTLD Fast Track Process.

If either the requester, intended manager or the relevant public authority do not accept the pre-arranged conditions, or at a later stage in the Fast Track process refutes the acceptance, the IDN ccTLD is deemed to be invalidated and subsequently the Termination Process according to IDN ccTLD Fast Track Process will be initiated.”

The ccNSO Council therefore kindly requests the ICANN Board of Directors to direct the ICANN staff to amend the Final Implementation Plan for IDN ccTLD Fast Track Process as adopted by the ICANN Board of Directors at its Seoul meeting, November 2009.

I would be grateful if you would kindly advise the outcome of any Board considerations on this matter in due course.

I have copied Rod and Heather and other ICANN staff for their information, together with Chris and Mike due to their association with the ccNSO. Bart is copied in his capacity as advisor to the group and will be able to assist with any queries.

Kind regards,

Lesley Cowley  
ccNSO Chair