
BEIJING – At-Large IDN Working Group
Wednesday, April 11, 2013 – 17:00 to 18:30
ICANN – Beijing, People’s Republic of China

MATT ASHTIANI: Apologies for me being a bit late. I know, I know. I’m just telling people that we are going to start the recording. So. Hello everyone. Welcome to the At-Large IDN Working Group meeting on Wednesday, the 10th of April, 2013.

My name is Matt Ashtiani. Please remember to state your name before speaking, to speak slowly and clearly for our interpreters. Thank you.

EDMON CHUNG : Thank you Matt. This is EDMON speaking. And thank everyone for joining us. I see people from our working group and also friends from around ICANN here. So if I can, I guess, just start with a quick kind of self-roll call by just your name and your affiliation, around the table.

LEANA: Hello. My name is Leana [Gull-i-stan 0:00:17] from ISO [? 0:00:19], as well as At-Large Armenian. Thank you.

JEAN-JACQUES SUBRENAT: Hello. Jean-Jacques Subrenat. I’m a member of the ALAC.

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EDMON CHUNG: So behind as well as you... This is EDMON again. Please if you are willing, and there are plenty of spaces so you don't have to be shy. Do sit at the table. Please. So this is Edmon Chung from ISOC Hong Kong.

And also chairing this IDN working group from ALAC, and also the IDN liaison for ALAC.

RINALIA ABDUL RAHIM: Rinalia Abdul Rahim. I'm a member of the ALAC, I'm vice chair, I guess. Thanks.

MATT AHSTIANI: Matt Ashtiani, staff.

DENNIS JENNINGS: Dennis Jennings from Ireland from a company called [? 0:02:20], and until recently I was a consultant assisting on the IDN variant issues and TLD program.

ANDREW SULLIVAN: Andrew Sullivan. I work for [? 0:02:31] and I have no role here at all.

MAN: [? 0:02:40] I have got involved in this through my connections with [? 0:02:46], and I am currently a consultant on IDN issues with ICANN.

CHRIS DILLION: Chris Dillion from University College, London. I was a member of the Chinese case study in the variant issue project, and also project 2.1.

MAN: Sorry. [? 0:03:07] I'm a professor of engineering at [? 0:03:10] Pakistan.

JOSEPH NG: Joseph Ng from ISOC Hong Kong, vice chair for ISOC Hong Kong.

WOMAN: [? 0:03:26] with ICANN staff.

MAN: [? 0:03:30] ICANN staff.

EDMON CHUNG: So if anyone from the audience is interested, if not we'll... Please.

MAN: [? 0:03:45] ISOC Philippines.

EDMON CHUNG: Thank you. Good to have everyone here. If you want to... That will be good.

MAN: Hi. This is [? 0:03:59] we are part of the [? 0:04:00] study and [? 0:04:01] as well. Thank you.

EDMON CHUNG:

It's good to, for the recording to have lots and lots of people participating. Okay. So I did send around a very brief agenda building on Rinalia, thank you for your help in building a brief agenda earlier.

And I did flesh it out a little bit. Matt, I wonder if you are able to put it on the... Wow. It's updated. Nice. I just send it out yesterday, so thank you Matt for updating it so quickly.

So the idea is to give a bit an update on some of the activities that are going on at ICANN that are relevant to IDNs. And then, I think we, for this particular session, unfortunately Hung is not here, I was hoping we would just talk, spend a little bit more of our time on the trademark clearing house item, and then on the long term IDN strategy document.

But hopefully, by the time we get there, Hung will be here. Because Hung, one of the members of the working group, was very keen about the issue of trademark clearing house not supporting IDN variance, so we wanted to draft something.

I probably weren't attending enough to the mailing list. I wonder if anyone saw Hung sending any draft note from... Okay. So we don't have a draft note from her either.

Okay. So that's on the agenda for today, unless I hear anyone who wants to add anything, we'll get started. Okay. So a brief update from, I guess, the two main, well three main areas. One is from the JIG, that's the joint ccNS-GNSO IDN working group.

The topic that they are working on is the universal acceptance of IDN TLDs. A document is about to be put out for public comments. I think this group, and in general ALAC, should probably respond to it.

Wearing a different hat, I'm co-chairing that working group, so I will excuse myself from that drafting and process, but I would encourage this group to take on that work and Rinalia will help in that, or people around the table as well.

So but that hasn't fully gone out yet. There was a session that was held on Monday explaining the four recommendations that put forth by the group. I'll quickly go through the four. First one is to get the ICANN, within the ICANN to accept – to get our own selves, basically, within the community, registries and registrars, that offer IDN TLDs to accept universal acceptance of IDN TLDs.

What we mean by that is the registry system, for example for name server records or in contact information like in email addresses, to support the IDN TLDs in those fields. And right now, registries and registrars don't necessarily do that.

And before we go out and shout at others to accept IDN TLDs, we should ourselves be ready. And I use this example which is I know, I don't know, I hope staff don't kill me, but what did happen was one of the cases... I was going through the ccTLD fast process.

What I surprisingly found was that that system rejected my dot Asia email address, but that was changed and updated very quickly, but my initial submission was rejected because of this error. And this is the kind of issue that needs to be dealt with, especially within our own community, we need to make sure that our own systems are...

And that's one of the recommendations. Second recommendation is to have ICANN focus on... ICANN as a strategic plan include this as an item, universal acceptance of IDN TLDs as an item in strategic level.

Third and the fourth recommendations are in fact to ask ICANN staff team, which there is a staff team on TLD acceptance, to do a little bit more work. The third recommendation is to, is for the staff team to work on a set of reference materials for new IDN TLDs.

Because new IDN TLDs may not know what they are getting into a lot of times. Well, especially new gTLDs and new IDN ccTLDs, they might be very surprised when they realize their TLD doesn't work in certain browsers, in certain systems, or through certain ISPs. And we are asking the ICANN staff team to help produce a kind of list materials, that hey these are some of the things that you might want to take a look at.

The fourth recommendation is a little broader one to, so far ICANN staff team has done a number of, a bunch of work on the topic but the recommendation is to ask them to proactively do a bit more work. So to advocate the universal acceptance of IDN TLDs.

So those are the four recommendations. As mentioned, it will go out for public comments right after the Beijing meeting, and would like to encourage the group to take a look into that. With that, I wonder if Rinalia you want to add anything?

Oh we have Hong join us, that's great. We're quickly going to get to yours. So I was dragging along this conversation to wait for you. Okay. So with that, there are two more documents that I just want to briefly update everyone before I go to the trademark clearing house

supporting IDN variance, which I wanted to spend some time to talk about here so that we can prepare a statement for ALAC's consideration.

So VIP, there were two reports that were completed. One is the label generation rules, one is the user experience study. The label generation rules is essentially a consolidation of IDN, I should slow down. Okay.

The label generation rules, is a process for ICANN to consolidate some of the IDN policy tables into a set of rules for, to be used at the root level. One of the things that at the root or the TLD level is a little bit different from previous implementations of IDNs and IDN variance, is that it is a broader, shared global resource.

And therefore, some consolidation for the different policies is required and the label generation rules document provides a mechanism to do that. And the second one is an user experience study, and looked at different scenarios where IDN variance, when they are put into use, what issues needs to be taken into consideration.

And also provides some recommendations for the top level management, and also the second level management, as well as the technical community. Both of the documents, I think personally I think is in pretty good order. I did raise one particular...

I do want to raise one particular issue, which is with the user experience study. One of the recommendations may be incompatible with the Chinese domain name implementation that is in place right now with the registries, especially in China, and in Taiwan, and in Hong Kong that has been in use for over ten years.

To address this issue we are getting a clarification from the team, getting some reassurance that that is not the intent, but that remains one item that we should keep a watchful eye on. And it's very important for this community and generally for IDN variance to work, to allow the simplified Chinese and traditional Chinese to be included in sort of a package for registration.

That has been the concept of IDN variance for Chinese for quite some time. Aside from that, which we should keep an eye on, this concludes actually the third phase of a four phase project. And there is some... The fourth phase will be launched I guess immediately after the Board meeting this week.

After the Board meeting, if the Board adopts the resolution. And right now, it seems like the timeline is looking at a possible implementation in the middle of next year. It is still some time from now, but seems like there is a light at the end of the tunnel. That's the situation. Francisco.

FRANCISCO:

Thank you. I would like to go on record, clarifying something that happened on the IDN variance session at the end. Hopefully you will like this. At the end, there was some confusion about our community will have to wait until all the other communities are ready.

Or have produced part of the RALO GR. And that is not the case, we stand by what the RALO GR procedure says, and I'm going to read a small fragment here from the RALO GR procedure appendix page, section one, it says, "How early can we have some label generation rules?"

I am going to skip to the part that is most important. It says, “Integration panel may deliver its GR before waiting for all the region panels to complete, provided that it has strong reason to believe that there will be no overlap between the [? 0:16:14]... delivering and the work of an existing, or likely perspective generation panel.”

And then it goes on and on specifying the examples. So that stands as it was before, there is no change to that. There was some miscommunication there from, I believe, what was said there was regard to break management issue that is secondary to the interests of a community.

Basically the concern was, we probably don’t want to release a second version of the RALO GR every single week, or every two weeks, there has to be some period of time. But I think that’s contrary to responding a need so far user community. Just have that on record. Thank you.

EDMON CHUNG:

Thank you Francisco. I think Rinalia and I raised that issue in the session, Francisco you mentioned earlier, and it did raise some concerns and thank you for the clarification. Just for the benefit of those who weren’t there, there was a discussion of whether...

The Chinese community has always, at least from AP RALO as well, and from the ALAC as well, you’ve heard that the Chinese community feels very strongly about this issue, and thinks it is much more ready and then others and would like for the mechanism to be able to not be hindered if some other scripts are not ready yet.

And that continues to be the case, based on the clarification. That's encouraging. But in any case, this process is still ongoing, but as I said, I think we have seen the light at the end of the tunnel finally, pretty clear light at the end of the tunnel. With that I wonder if anyone wants to chime in or have any questions about what was just discussed.

Okay. With that we move on to hopefully a more interesting discussion, which Hong raised yesterday at the AP RALO, General Assembly. And we're bringing this to this working group to try to put together a statement addressing an imminent issue which is we...

With the new gTLD program, the trademark clearing house is a very critical component of the roll out of the new gTLDs. And what we have realized now, and repeated multiple times to us, that the clearing house will not be supporting IDN variance.

It will allow IDN submissions, but it will not handle IDN variance. With that, I will pass it to Hong to introduce the issue and start the conversation.

HONG XUE: Thank you Edmon, and sorry for being late. I was at a ccNSO council meeting, and I...

MATT ASHTIANI: Please remember to state... This is Matt Ashtiani. Please remember your name for the record and speak slowly.

HONG XUE:

Okay. My name is Hong Xue, I'm from Chinese Domain Names Users Alliance, which is an At-Large structure, a member of AP RALO. And what I am going to do talk about is trademark clearing house and IDN variance issues.

And this is not a new issue, it is surprising it has become so new in the ICANN community because this issue had been raised dating back in October 2011 in [? 0:20:02] meeting, there was a public consultation on trademark clearing house and its implementation.

And I went to that forum and give opinion that trademark clearing house should be able to handle the IDN variance because many trademarks actually register in IDN groups. A clearing house can only handle word marks, but it is not limited to [ask keys 0:20:29].

Other than [revere 0:20:30] trademarks in any language scripts, so if there is a variance issue involved the clearing house should have the capacity resources to address that. And then ICANN can impose implementation assistant group IAG. I was one of the member, and in that group I persistently raised the issue of variance and trademark records matching rules, and taking into account the variance issues.

Very unfortunately, my will was not taking into account in the final report of the trademark clearing house implementation report, there was no such variance matching rules adopted. And very, very... And in September 2012, ALAC actually issued comments regarding trademark clearing house.

I was a drafter of the statement of ALAC, and in that statement we make it very clear is that the trademark clearing house is, wasn't at all a

one fit solution. I mean not be able to lay the need for different language community, it may be very true the trademark submitted to clearing house is not really usable to specific community.

But that statement was not taken into account as well. Very recently we note ICANN release implementation document titled, “Trademark Clearing House, Right Protection Requirements.” I made a careful study of this document, and feel this very concerning, especially the following issues.

The first one is that in the requirements, the trademark clearing house will, oh. All the new gTLD registries must respect the matching rules of the trademark clearing house. But that matching rules, as I stated before, does not take into account the variance issues.

And this may be a very critical to certain language community so that very famous Chinese community simplified traditional character issues just come back and haunting us. For example, if one trademark holder nearly registered a simplified Chinese character trademark, but not his traditional equivalent, there will only be one trademark record generated in the trademark clearing house.

And since the new gTLD registries are obliged to register sunrise services to the trademark records in the clearing house. Only that simplified word mark, only that version, will be eligible for sun rise registration, and leave the traditional version, actually the same character, and protected in the sun rise period, and we all know the function of sun rise services to distribute the trademark, and give the priority registration opportunity.

And what is even more striking when we go down deep into that document, we find the requirement actually prohibits any new gTLD registry to use their own resources, and their own expense, to develop their own trademark clearing house, especially for that sun rise period.

Then they provide additional matching rules, bending for the variance but only after the sun raise period. This is a big concern. It's saying for example, for Chinese trademark holders, they need to register two versions, both simplified and traditional.

I must say that's very rare. Think about in one jurisdiction, it's very much a necessary. If I register the simplified one, why, in the same jurisdiction, I register the traditional one? It's really not necessary and won't happen at all. If you only registered one version and you actually are leaving your trademark unprotected, I emphasize this part, because the other version is actually the same trademark and is open for the others to cyber [? 0:25:09].

I'm now coming here to emphasize importance of property protection. I'm not fond of over protection or trademark rights, but I want to emphasize the public interest involved in this kind of overlooking of non [? 0:25:26] trademark.

Because there will be serious public confusion. A trademark has a function to identify the source of goods and services. It's totally unthinkable for Louis Viton, his Chinese version, to be registered by two different produces. Think about it, there will really be a paradise for counterfeit products, and then the internet user will be seriously confused.

Since ICANN is willing to go beyond its border to develop so many trademark protection measure, and even willing to entertain the BC and ICPs in a proposal to create 50 derivation for the so called abused trademark, it should seriously consider this simplified or traditional variance issue. This is much more simple, clear than that 50 derivation which none of us know how to define that so far.

So I strongly suggest experts on the idea in this community to seriously consider that this serious problem, I don't believe that this is all for Chinese community. And there is... The other community also involves variance character like Arabic, Cyrillic, [? 0:26:48]. They also concerned.

Their problem is not serious as Chinese, but relevant to them. Okay, I'm going to stop here. I'm happy to answer any questions.

EDMON CHUNG:

Thank you Hong. I have Jean-Jacques and Francisco in the queue. Jean-Jacques?

JEAN-JACQUES SUBRENAT:

Thank you Edmon. This is Jean-Jacques Subrenat. I have a question, I'm very concerned by what Hong has just underlined. I was aware of it, but I'm glad that she had yet another occasion of bringing this up in public. My question is this, is the really difficulty you mentioned Hung at the level of explicit or implicit policy somewhere in ICANN? Or is it staffing?

If it's a question of staffing, then we have to be very clear, and request in no uncertain terms from the CEO or whoever, that the team which

decides on these matters should include the appropriate people with language ability in those respective languages.

Now if it is not that problem, but it's situation somewhere else, than it's better to know. Because I've been following but perhaps not in enough detail the difficulty. And it seems to me that we have to separate policy issues from implementation issues.

I'd like to know at what level the main difficulty lies.

EDMON CHUNG:

Sorry. That's a very interesting question. One note before I... Sorry. This is Edmon responding. So just want to clarify. So you're perhaps suggesting that this should be a question that we need to ask.

JEAN-JACQUES SUBRENAT:

Edmon if I may clarify my point. This is Jean-Jacques. What I am aiming at is this. You either get a very quick and clear answer, yes the problem is implementation because there is a team, they are all from Canada or France or somewhere, and none of them knows anything but their own language.

So okay, address that question and you have to put out requests to the CEO to staff it. Right? Or it's not a staffing problem or an organizational problem, it's a policy thing. Because it has not been explicit enough that yes, in order to make IDNs really operational, you do require this and that stipulated policy than tell us.

Because I don't want the thing to be held up yet again for months or for a year, a few more years, simply on the grounds that there is no clarity about where the real problem lies.

EDMON CHUNG: Understand. Francisco is this on this? Or were you going to speak on related? So why don't I let you speak first and Hong you want to respond. And then I have a queue from the online, and then Dennis, and then [? 0:30:03].

FRANCISCO: Thank you. This is Francisco [? 0:30:09], ICANN technical staff. So I'm involved on the technical side of the clearing house, and so just wanted to clarify a couple of points regarding there are no variance on the clearing house.

There is in the guidebook a specification about, from a clearing house... It's clear what can be raised in the clearing house is an exact match, and that exact match is certainly not exact match by English meaning but something that is defined there.

And basically means that you have to have a three month registration. Second point, I wanted to clarify something that you said Hong about the variant, for example, you raised you only have the trademark of the simplified version of your mark, or you don't wait have the other version raised in the clearing house.

You said that the variant would be unprotected. I think that would depend on the registration policy of the registry. I will think if the

registry is offering the registration in Chinese, they would have a variant policy, and the variant policy would have that variant protected.

The other thing I wanted to say is that, I just wanted to raise a potential issue, potential difficulty, on having variance in the clearing house. Just like for the root, you will need a LDR for that, potentially the same. Just wanted to say that.

And the other thing is that if you want variance in the clearing house, since it is something that is shared among users from all over the world, you probably need a RALO GR, not a RALO GR, I think it is a GR.

JEAN-JACQUES SUBRENAT: Could you... I mean don't live in this all day...

FRANCISCO: I'm sorry, I'm sorry. By that... I've been working too much on this [laughs]. Okay. Basically the LGR is a table that, and IDN table that perhaps is a term that is more known, it's a list of characters and their respective variance, so you will need to define that for the clearing house.

Just like we need to do it for the root or any other registry for the matter. And the other thing, I'm not intending to solve the issue here by any means. What I would suggest is that tomorrow there is a session on the clearing house that is perhaps the right place to raise this issue.

EDMON CHUNG: Thank you. If you would allow me to respond quickly, and then go to you. So a few things. Exact match, understand that, but I'm sure capital letters and small letters are allowed. We're not talking about the same thing. The other part, sun rise certainly.

It will be covered by the registry trademark claims definitely not. Okay? Third thing, in terms of the LGR, incorrect. The IDN variance needs to be the tables from the registries, from the registry policy, not at the root. We're talking about the second level of registration, because trademark is registered at the second level.

So those three are very important differences from what you just said.

FRANCISCO: If I can respond just quickly, I'm Francisco. Certainly that's another way to do it. I would think it's more complicated if you want to have the clearing house to support the tables of each of the registries, but yes that's another way to do it.

I forgot the other point.

EDMON CHUNG: That's trademark claims. That's the issue. Not the sun rise that's the issue.

FRANCISCO: Why is claims an issue?

EDMON CHUNG: Because if somebody sends in a variant for a registration, the trademark claims will not be triggered. This is Edmon speaking, sorry. This is Edmon again. I'll let Hong speak and then go through the list and then maybe come back to you if you want to speak.

HONG XUE: Okay. This is Hong Xue again. I have three responses to the kind comments from both Jean-Jacques and Francisco. And first of all, Francisco mentioned that the trademark holder wouldn't like to submit the traditional character version of trademark in the clearing house. We know the design of clearing house is surrounded with trademark registration.

You need to have a trademark registration in the first place so that you can send it to the clearing house. As I said, very clear even though those trademark holder may well have a final version of word mark in one version of Chinese.

They won't know to register two versions, that's ridiculous. That's against all the rules in trademark law. For the trademark law, you register one word mark, you write [coward 0:36:06] those the same and similar mark.

So you don't need to register all these version, that's why you only have one version. You submit it to the clearing house. You don't have registration for another version, that version would not be recorded and in that case, it would not be registered over a sun rise period unfortunately.

And will be a big problem to be match in the trademark claim as [? 0:36:33] mentioned. Second respond, you're right probably this issue can be addressed at the TLD level. When it's for registration policy like CNIC that is doing right now, they match up with registration policy.

I want them to say, "Oh that." But look at this new document, fantastic. I know I'm not talking with group of lawyer, but please look at the provision. Article 2.4.3, "If a registry operator wish to implement variant rules, domain name allocated and as such variant rules must not be allocated prior to the conclusion of sun rise period."

Look at here.

FRANCISCO:

Yes, however, you can withheld it. Francisco, sorry. It's about allocation. You can reserve it for the user and the registry can do that. They can prevent someone else from having, that's what I'm trying to say.

Because they, like I said, if they were doing Chinese registrations, you would think they know something about Chinese and they will be protecting users [laughs].

HONG XUE:

But the thing is, Francisco, I appreciate your explanation. Oh, it's Hong Xue again. I appreciate the explanation. The problem is that if there is no such prohibition, then the registry would actually do the matching, or the [? 0:38:04] in the sun rise period.

I don't know why this additional restriction is added here [laughs].

FRANCISCO:

Francisco again. Just to clarify. I don't want, and I cannot talk about, the merits of the provision because it's not my area of expertise by any means. I just know the technical side. And reason for that provision is that there is language that says, in order to raise in the clearing house, you have to have an exact match by the definition that is there.

I understand what you're saying by the wish to have this variance, and for that I think the right forum is tomorrow in the session for the clearing house where you can raise this issue.

And the other observation that I was making is just trying to keep the right scale to the problem that we are talking about. It's not like it's the end of the world, there are other ways to tackle these issues.

HONG XUE:

Sorry. I just want to share again my certain response is to [? 0:39:10] comments. I think this really open minded. Before talking about this is a policy or interpretation issues, probably we think about whether we try to centralize trademark clearing house service.

That we are trying to find one set fit all solution. In the ALAC trademark clearing house statement issued in September 2012, we made it very clear ICANN should support community based services on trademark clearing house because each IDE community has a special need and demands.

It can hardly be really catered through a centralized trademark clearing house service. Even though it's not a variance issue, and this other verification and authentication need, need to be done at a community

level. So I strongly suggest ICANN open up its mind to think about the alternative solution.

EDMON CHUNG:

Thank you Hong. This is Edmon speaking. I'll go right back to the queue, but I would say this in response to what Francisco says, yes I think I will definitely participate in the TMH session, but in this particular working group is trying to develop, potentially develop a statement for ALAC to put in for consideration.

So that's just background. I have somebody online, and then Dennis, and then [? 0:40:42], and then Joseph.

MATT ASHTIANI:

This is Matt Ashtiani for the record. We have a question from Erin Cohen. Erin asks, "What is being doing to protect the rights of 300,000 registrants who have an existing IDN dot com dot org domain, where the new gTLD transliteration is coming?"

Unless it is treated properly, it will lead to widespread confusion and fraud." Erin also give an example in the Cyrillic script that I cannot read that.

EDMON CHUNG:

Thank you. This is Edmon speaking again. That's certainly a very interesting question, and I think this type of issue I think the ALAC and the At-Large should probably keep an eye on this. It is slightly off topic of what we are talking about here for now.

But I will take it down, and when we go back to the long term or the general position, I'll circle back to this particular issue. Because this is not the trademark clearing house part. So I'll go... Dennis, [? 0:41:49], and Joseph.

DENNIS JENNINGS:

Dennis Jennings for the record. The reason the question of the clearing house I think is very interesting, and raises some questions about whether there needs to be synchronization between the rules and about variance and the label generation rules that are LGR, and the rules for variance in the trademark clearing house.

It's not clear to me whether that's necessary or not, but I do want to point out that this is at the second level. I do want to point out that if different registries have different rules at the second level, label generation rules sets, then that would create complications for the – may create complications for the trademark, and may lead to additional confusion to users where the rules will be different from one TLD to another.

I just want to highlight the significant complexity, and it may be appropriate that communities define a convention for the rules at the second level, which they would voluntary adopt to avoid that confusion among users. Just highlighting some, I don't have any answers I only have questions. Thank you.

EDMON CHUNG:

Thank you Dennis. Quick response to that. First of all, the trademark clearing house, because it is the, talking about second level registration,

it has to take the policies of the registry into consideration. That is just the nature of it.

It's not talking about the top level. So in terms of IDN variance, yes it will have to implement the policies from the registry, not from the LGR. That's sort of my point of view. Especially for the trademark claims process, which isn't fully out yet.

I might not have seen it, but so especially for the trademark claims process, which when a third party is trying to register a particular name, the registry sort of – as far as I understand, the registry then queries the trademark clearing house and see whether that triggers a notification, a claims notification.

That process, if the trademark clearing house doesn't support the variant process of that particular TLD registry, then the trademark claims won't go out, right? So that's really what we're talking about. And we have known about this issue for some time, and that's why it has been brought out.

But in a very high level that you need to deal with IDN variance, unfortunately we didn't talk about some of the details probably. But did you want to come right back? Or should I go to...

DENNIS JENNINGS:

It's Dennis again. That seems to imply to me that there should be a conventional, single set of rules at the second level across all TLDs in a particular writing system script. Seems to me, and I see some people nodding.

But I'm no expert, I'm just exploring this.

EDMON CHUNG:

Edmon here again. That's a very interesting suggestion, and personally I don't necessarily disagree with that. And if you look at the experience from the Chinese community that's exactly what we're trying to push for, which is a, everyone should do this.

And in fact, if the registry isn't doing the same, there is reason for ICANN to maybe think about for concern. That's exactly the part, Dennis, you and I have talked about. If a Chinese registry from Ireland does something different, why is that a problem?

And that's exactly the reason why, at that time, continue to insist that we should try to coordinate that. So [? 0:45:55] and then I have Joseph, and then I come back to you? Is that okay?

HONG XUE:

Can I have a response to Dennis?

EDMON CHUNG:

Why don't I go through the queue, because... [? 0:46:05], and then Joseph, and then Hong, and then I will also not interject in the middle, so... I will promise that.

MAN:

[? 0:46:16] for the record. First I would like to clear a little bit of terminological confusion on the implementation side of variance that has crept into the discussion. The beautiful [every variation 0:46:30]

LGR stands for Label Generation Rules, and is essentially – one aspect of those is to identify variance.

That is completely generic as to what level that applies to. The root LGR would be the one for the top. So you can have second level LGR. So when we used to worry LGR at this, not mean it's the one for the root. Now, the interesting thing that's happening is that we are about to work out a LGR for the root.

And in the process of doing so, there is also an effort to come up with a unified table format and unified tools to evaluate or to run these rules, in order to find if something is a variant of something else. That those formats to be rich enough that they can actually be loaded with the IDN tables and the IDN rules from the existing TLDs.

So on the technical side, we might be looking at having the toolsets and the ability to capture information that already exists in order to implement the technological solution of identifying variance, even across slightly dissimilar sets of LGRs, by just treating it all as a different flavor of the same problem.

And such a toolset might fit somewhere into the solution space for this particular problem that you're discussing here. In terms of that it is not necessary for, or desirable in fact, for an institution like the trademark clearing house to have independent linguistic expertise.

In fact, you want to just leverage the existing and published linguistic expertise that is captured in all the existing IDN tables and variant policies for the TLDs. Now, that was my second point.

My third point is where I agree with Dennis in that, because of all the secondary go beyond just registering variance, but also in using them in trademark protection and you name it. It is going to, I think, create a pressure on TLD operators to come up with compatible subsets of rules.

And I don't know how one can further this process, clearly this cannot be mandated. But I think strong noises in the right direction to further the process of a voluntary adoption of similar, if not identical rules at the time, would I think be beneficial for the user experience.

I think that it goes without saying.

EDMON: Thank you. Joseph?

JOSEPH: Joseph [Yee 0:49:47] for the record. [? 0:49:51] for asking for legal advice, what as it is, I didn't really read much clearing house trademark as Hong did, but when a registrant come in with a [string 0:50:01] comes in, where they try to game the systems, do you expect the registry to actually check the game that's [that's the string 0:50:08] on the game?

Or that the one that are supposed to go in the registration systems? Because that could be notarized and that could be checked against. And the second question I want to ask is, in real life in the trademark office, has it happened before that some trademark applicants comes in with something similar and we revoked it afterwards?

Or did they really catch everything that is similar or the same before the registration happen? Because I have thoughts that in the real world, that you can catch everything with the systems and that's why the UDRP and all this afterward systems to catch the bad thing.

EDMON CHUNG: Thank you Joseph. Hong?

HONG XUE: Is this my turn? Or should I respond to this discussion immediately?

EDMON CHUNG: Both.

HONG XUE: Okay. First, I want to go back to Dennis's point. I guess it's very good. Actually I've suggest, as a GNSO, that all the ID and TLD moving variance issue should submit a public interest commitment to adopt the relevant variance tables [laughs], if that table is really based on consensus on that language community.

In respect of the geographical location of the TLD operator, it's very sign, but [? 0:51:40] Chinese TLD they should adopt. The CDLCs don't, so I guess it's something that we should look at. If PIC is really a mechanism that is going to work, and is subject to compliance.

Let's go back to this question so. Yes I'm happy to answer the legal questions, and of course we have dispute resolution to resolve the

disputes after registration. But we need to be aware that ICANN trademark protection measure is a very complicated system.

It provides not only dispute resolutions, so it is an aftermath resolution, but also precautions, prevented measures. And the sun rise trademark claims are actually these prevented measures. So what I'm talking about, notwithstanding any opportunity to deprive the trademark holders aftermath utilization of UDRP, URS, or any dispute resolution.

What I'm talking about, whether they are eligible for the sun rise registration and trademark claims. I guess before I conclude my answer, you have additional questions, right?

EDMON CHUNG:

This is Edmon speaking. I wanted to respond a little bit and then back to you Joseph. So you asked about a couple of things. One is that the trademarks... I'm not a lawyer, but from what I understand, trademark is by categories and there could be multiple of the same name.

So it's a very different system. And also the challenge process is that, is kind of like put out for public comments, I'm just using this terminology here that we understand, just put out and then somebody objects to it.

All right, so it's very different from what we are talking about from the sun rise and the trademark claims process. Because the TMCH is all about the sun rise, what you can apply for sun rise, and then whenever a third party comes in at the general registration, whether a trademark claims is triggered.

So we are talking about these two processes, and both of which I think requires implementation of IDN variance. The sun rise less of a concern, but it would be better... But, as I think Francisco mentioned, it is possible that the registry side could catch that, but on the trademark claims side, certainly it will depend on the trademark clearing house implementing IDN variance.

And I don't know whether that answers your question, but Joseph please elaborate.

JOSEPH:

Joseph [Yee] for the record. Digesting your answers, but what you say seems to suggesting that even trademark office, in the real life, will not catch that. Expecting trademark clearing house will catch that, since it is somewhat impossible.

EDMON CHUNG:

This is Edmon speaking again. Would you allow me to respond quickly? Okay. I don't think that's the case. I think the suggestion is that the IDN variant is an implementation, is a domain registration implementation, for the trademark there is – when you challenge a trademark, or if there is somebody that is infringing a trademark, if you are using a traditional version or a simplified version, you can go to the courts and decide whether you infringed the other person's trademark.

That's very different from trying to register a domain and whether we allow them to then come in for sun rise registration. So I think that distinction needs to be made. So I have Francisco and then Andrew.

FRANCISCO: Just quick response on what you said about the claims. So I think that in the case of sun rise, if the registries are implementing IDN variant policy, it will be cast there, because when you try to raise, let's say the simplified version supposing only operational has the claims, given the IDN variant policy in the registry, the registry will try to raise the [boat 0:56:30].

So they have to show the claims for registration, so it's the same case as claims. It depends on the registry policy.

EDMON CHUNG: This is Edmon again. Yes it depends on the registry policy but the registry system cannot do it. Unless I do... Let's say somebody comes in with a registration that is a variant of the original, right? And not the preferred variant. Let's put it that way.

Then you fork it into maybe five or six variance strings, and then you... It is possible to fork it into five or six variance strings, and then query the trademark clearing house, but that is very expensive for my registration now, right?

That's doesn't seem to work for registries at all. It will... The trademark clearing house has to, it has to be implemented as trademark clearing house such that, the registry – whatever we receive as the registration coming in, I pass it over to the trademark clearing house, the trademark clearing house should fork it out and say, "Okay. Does it match any of the trademarks that I need to trigger a claims for?"

Right. That's something that makes much more sense, rather than the registry trying to do five transactions with the trademark clearing house to figure out one.

Again, we are getting into details which should be tomorrow. But did you want to respond? And then I do have Andrew afterwards.

FRANCISCO:

Francisco, just quickly. That's the way it is supposed to work. That's the current rules. If a registry is allocating a name, and they have to check for claims. That's the way it works.

EDMON CHUNG:

This is Edmon. I think we can... Tomorrow we won't have time either, but so I'll take this time. The issue is that there are names that... So you're saying, you're telling me as a registry, my budget plan is totally wrong now.

So if I have to implement IDN variance, you're talking about me having to potentially, one registration comes in. I potentially have to send 100 queries to the trademark clearing house, which cost me what? I don't know, like 35 cents.

FRANCISCO:

I believe it doesn't cost... The clearing house doesn't cost.

EDMON CHUNG: Is that the case? Because that was not when the fee schedule... Anyway, so we're not talking about... Sorry. Thank you for my vice chair really reigning me back. I have Andrew and then Jean-Jacques.

ANDREW SULLIVAN: Andrew Sullivan. So a question and an observation. It seems to me that if you have a variant problem at registration time and you think you have a policy, you can just block all of those other things.

So in terms of anybody losing their registration, there shouldn't really be a problem. But also, it sounds to me like people are acting as though this is a one shot thing, that is like the trademark clearing house either works or the trademark clearing house is lost.

But presumably everybody still has recourse to courts right? I mean, I don't really think that we want to go there, but for the hard cases it seems to me that we're going to run into that anyway. I think that was part of the point that Joseph was making before. They're not infallible, these clearing houses.

EDMON CHUNG: Thank you. Jean-Jacques.

JEAN-JACQUES SUBRENAT: Thanks. I'd like to come back to the points made by the expert, [? 1:00:40] thank you, those were very interesting remarks for me. Two questions. What's the timeline for this system of lists to be produced, to be tested, and to become operational and available?

And I have another question after that.

MAN: [? 1:01:08] for the record. Yeah. I'm just guessing wildly because I'm not really in any position to authoritatively speak in timeline, so I'm just kind of guessing. There is a hope to have something like quite useful top level LGR available about roughly a year from now.

And one would think in the process of doing that, one would have arrived at the air formats tools, etcetera. That is the rough answer I can give you. I have a little corollary that is triggered by something Francisco said, but I'm waiting for your next question.

JEAN-JACQUES SUBRENAT: Thank you [? 1:01:52]. This is Jean-Jacques Subrenat. So the reason why I raised my initial question 15 minutes ago, is that I was aware that something technical, as a sort of definite solution was on the way, but I was worried that it may take actually longer than what [? 1:02:09] just indicated, on the order of one year.

Now the problem arises from the fact that the commercial and business side calendar is one thing, and the technical availability is another one. The two calendars don't match. So I was afraid that if people who had to register IDNs, have a time constraint, which is much closer, much shorter than that, and there may be a personnel or a staffing problem, in order just to handle the requests.

Because it takes a minimum requirement of, I suppose, linguistic ability in order to treat those whilst we wait for the real technical solution,

which does not require linguistic expertise. So my concern was this, in the meant time, and pending the arrival and the implementation of the full technical solution, should we ask for, and can we get the required handling means within staff?

MAN:

I was listening to something... [? 1:03:23] for the record again. I was listening to something Francisco said and I wanted to amplify this. And in fact, what that triggered was if multiple queries are in fact not a cost factor, I would always come to the opinion that a more distributed approach with the exact match at the core, is in fact not the wrong answer but maybe closer to a correct answer.

One would still want to eventually disseminate common tools or whatever, but if a registry that handles variance today has a way of identifying them, and it know its own policy. There is no communication loss in that process, at least we hope that that is the case, and if the process [? 1:04:28] ... by Francisco could be in fact be implemented.

That is to... A registration request comes in, the registry identifies all the possible variance on its own policies, and Edmon always smiles when I say it as if that was not possible for the registry itself, I won't go there. You will explain that to me in a second.

And then could issue the queries, you would have... The one benefit that it would have is you have a little bit of a distribute in the system in that you don't require the central knowledge of all the registries

policies, which is the problem that you get when you put that function into the central location.

So I almost think doing it that way would be in some measure more of a bust. It just strikes me as that would be the case. And if that is so, then under the 100 generated variance, one of them would be an exact match. Otherwise there would not be an overlap of exact match term.

And so the trademark clearing house, if one of the queries come back says, “Hey yeah that’s protected.” And then essentially you’re done. The problem that you can run into is that the TLD operated registry does not generate not enough variance, so it doesn’t include the exact trademark in the generated variance.

That is the kind of hard case that I think Joseph was trying to get our attention to. When the system just isn’t strong enough to catch something it ought to be able to catch, but I think you will not necessarily... If you try to build a very centralized system, you’ll pick up other problems.

And it’s still, of course, even in a distributive system even more so, you benefit if registries were gravitating towards similar solutions to the same thing, but...

EDMON CHUNG:

Thank you [?: 1:06:40]. Edmon speaking again. I’ll quickly respond to that and then Jean-Jacques. And I was told that because the busses to the gala, we have to be there by 6:30, or else we won’t get in.

So we will have to try to wrap this up early, probably 6:15, so we need to wrap this conversation up, but we still have about ten minutes, a little less than that, eight minutes. So one thing is that for the... Why can't multiple so threads, if you will...

If you go back to the trademark clearing house discussion from the technology providers standpoint, there is also the SLA issues, when you do a create or do a check domain, you create – you have to respond to the registrar. And in between that, you already have to submit.

In any case, one life transaction is already a big issue for a lot of issues. Do we really want to get into that? I understand what you want to say because that is being dealt with in that process, I don't want to rehash that, and that's why I wanted to bring to whether we want to draft a statement.

In terms of what Jean-Jacques said, I think that that is related not only to this particular issue, but also to the IDN variance TLD issue in general. So that was originally what I was hoping for, number three to take a look at. But I wanted to try to close this conversation, and I pass it back to Hong with a couple... You wanted to speak first of all on that, and then I'd like to get a sense of whether, concluding from some of the discussion here, what the next steps you wanted to take, and whether you would be willing to volunteer to make a first draft if a document is going to be put out.

HONG XUE:

Okay. I have quick final remarks on this.

EDMON CHUNG: And we have five minutes.

HONG XUE: This is Hong Xue again. In early day, when ICANN developed so called trademark protection measures, I was one of the opponents. If ICANN just leave its hands off the trademark issues, that would be perfect, but issue here is that ICANN has become deeply involved in the trademark protection.

It has become so extensive, comprehensive. Now the issue here is that, do we need to treat all the trademarks equally in respect of the characters? Recently ICANN published a straw man proposal, willing to protect the [ask key 1:09:49] trademarks, 50 derivations. For example, the trademark PNG, not only the PNG per se, but the GNP, GGP these derivations could be into the clearing house.

It's so much striking to development. And for [ask key] trademark, it could be so inexpensively protected, than why don't we protect the Chinese trademark? As in two versions it's actually the same characters. I think this is an issue of the equal treatment, this is a very basic, minimum requirement to do that.

Of course if ICANN would like to cancel all the trademark protection, that we all go to court, I fully agree with technical expert. We shouldn't involve this issue at all. And finally, I've drafted a statement for the working group, I'm happy to circulate in working group for you to read.

I grab all the key points that is being discussed right here in front of community. Okay. Yes.

EDMON CHUNG: Thank you Hong. Edmon here again. Because this session is being cut short, thank you first of all for volunteering, and I guess we'll take that on the mailing list and try to... We probably will need to organize another call before this can go to the ALAC unfortunately.

I'm looking at my... Rinalia.

RINALIA ABDUL RAHIM: Thank you. This is Rinalia for the transcript record. I think the originally intention was to have a draft that would go to the ALAC for a vote tomorrow. There are some complications clearly. But I think that the point about the trademark clearing house not able to address variance, had been raised by someone in the business constituency as well.

So I think that point could perhaps go into other ALAC statements, so that could be flagged immediately. But in terms of the solution, we need some more time, because I heard some good suggestions around the table, I just need to know, to understand it a little bit more, to see which ones are reliable, which ones are a good options to suggest. Thank you.

EDMON CHUNG: Edmon here again. Just wanted to understand what you really mean. So there is another statement that is being prepared, and this can go into that?

RINALIA ABDUL RAHIM: I'm not exactly sure... This is Rinalia for the transcript record again. I think there are various statements are going to be proposed to the

ALAC for adoption tomorrow. I'm going to go afterwards to my chairman, Oliver Crépin-Leblond, and see if there is any possibility of inserting just this point, that the trademark clearing house cannot address the idea on variance.

Just to have that flag so that is taking care of, and the solution we address at a later stage. Thank you.

EDMON CHUNG: Edmon here again. Thank you Rinalia, that's very clear then. So Hong are you... So you will send it to the mailing list and we'll take it up from there.

HONG XUE: In that case, I may need to modify that. Since Rinalia will take care of ALAC, it is not urgent. I thought it was going to be adopted tomorrow by the ALAC. Am I right? That would not be the case. There would be only one sentence? [? 1:14:06] house? Right?

EDMON CHUNG: This is Edmon. Well Rinalia why don't you go ahead?

RINALIA ABDUL RAHIM: Thank you. This is Rinalia again. Like I said, there are different levels to the issue. One is the point that the trademark clearing house cannot address the IDN variance. Then the issue of what can be done about it, and I don't know how much time we would need to agree on it.

Unless you have a very clear proposal about what can be done about it, in which case, I would be happy to have that drafted to you with the ALAC tomorrow.

HONG XUE: I circulate to the working group tonight, if you will kindly read it and tomorrow, oh we need consensus from the working group [laughs]. And then it could be submitted to ALAC.

EDMON CHUNG: Okay. So we have a last word.

ROXANNA: Thank you. It's Roxanna [? 1:14:01], a very short proposition. It was great experience with six different working group devoted to different languages on IDN variant project.

Is it possible to repeat this experience? And to create, for example, Cyrillic working group or implementations. Thank you.

EDMON CHUNG: Thank you. I guess your question is probably about the label generation rules process, and I don't want to answer for them, but probably yes, that's the intent. It is split up into language groups. [? 1:14:43]

MAN: ...for the record. Those are the calls for the generation panels, that's in the next step, we need one for each script. As soon as this stuff gets

approved, hopefully, then we need them right away so we can make progress.

EDMON CHUNG:

Okay. Thank you. So unless there is any other, then we didn't finish the agenda but we'll take it to the mailing list for the statement, and also the other couple of items. Thank you everyone for joining, we need to rush to the bus or we will miss the gala.