

May 14th, 2014
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ICANN Board of Directors, c/o Dr. Steve Crocker, chair
New gTLD Program Committee, c/o Mr. Cherine Chalaby, chair
Mr. Fadi Chehadé, ICANN CEO

VIA EMAIL (steve.crocker@icann.org; cherine.chalaby@icann.org;
fadi.chehade@icann.org)

Re : Existing gTLDs transitioning to equivalent IDN gTLDs

Dear Dr. Crocker, et al.:

My name is Jean-Sebastien Lascary, and I write this in my capacity as a registrant and remote participant to ICANN meetings. The purpose of this letter is to voice my concern on an issue that may cause a precedent damaging to the future of Internationalized Domain Names.

I believe the internet should be equally accessible in every language, beginning with the domain names used in URLs. I also believe that communities who do not use a Latin-based writing system remain under-served by the current domain name system. These communities have reasonable expectation of access and use to an equally useful DNS that other communities have enjoyed for decades. It is the duty of the ICANN community to see that this gap is bridged in a timely fashion. Precisely, delegation of IDN gTLDs in a variety of languages/scripts helps to fulfill this imperative but only as long as the *usefulness, security and functionality* of these IDN gTLDs equal that of ASCII TLDs.

It is in this context that I want to raise with you the particular case of existing gTLDs transitioning to equivalent IDN gTLDs. The lack of ICANN guidelines on this topic has allowed some registries to implement policies that may lead to user confusion. The scale of the confusion would certainly cause a disservice to the communities who should benefit from IDNs, but it could also reduce the general public trust and enthusiasm for IDNs as a technology.

User Confusion

By design, existing gTLDs transitioning to equivalent IDN gTLDs face a challenge in terms of user confusion. All stakeholders recognize this, including registries.¹ Effectively, the level of confusion can be quite high as there can always exist an identical second level domain in each of the existing gTLD and its equivalent IDN gTLD, while the TLDs themselves are often aurally identical, semantically identical and visually similar. I can think of no greater potential for user confusion, especially

¹ Public Interest Registry, "Principles for the Foundation of Top Level IDNs", June 23rd 2006, <<http://www.icann.org/en/resources/idn/pir-idn-principles-23jun06-en.pdf>>; Patrick Kane, "Verisign's Implementation of the new IDN.IDN Transliterations of .com and .net", July 11th 2013, <<http://www.icann.org/en/news/correspondence/kane-to-willet-11jul13-en>>.

given the relative novelty of IDNs, their inherent complexity², uneven application support and the target audience.

It has come to my attention that ICANN already has a position on the matter, which is to leave the issue in the hands of the registries. I ask that this position be reconsidered, if only for the fact that it is based on work³ that is hardly relevant, (i) having being done at a time where major browsers did not display IDNs in unicode or made it impossible to appreciate the confusion⁴ and (ii) having reduced the issue of user confusion to a determination of whether or not DNAMES aliasing should be used.⁵

From my research, the entity within the greater ICANN community with the most contemporary and empirical knowledge of the matter is the APTLD. Their position is as follows :

In addition to the potential for user confusion, some [Working Group] members also noted that the creation of transliterated TLDs, without the development of adequate registration and eligibility polices and procedures, could give rise to an increased risk of phishing and other malicious abuses of the new spaces.

[...]

The WG notes that this potential problem manifests itself at the second level, and is not unique to transliterated TLDs, but would argue that the very nature of these TLDs, and their close similarity to existing TLDs, makes them particularly high-risk targets.⁶

Despite not being a consensus position, I can think of no other working group more experienced and authoritative on the matter of user confusion in internationalized namespaces.

2 The punycode-unicode duality, BIDI rules, RTL support, etc.

3 GNSO, "Outcomes Report of the GNSO Internationalized Domain Names Working Group", March 22nd 2007, <<http://gnso.icann.org/en/drafts/idn-wg-fr-22mar07.htm>> based directly on GNSO, "GNSO Issues Report Policy Issues Relating to IDN at the Top-level", August 2nd 2006, <<http://gnso.icann.org/en/issues/idn-tlds/issues-report-02aug06.htm>> and indirectly on GNSO, "Revised Draft ToR for GNSO IDN Policy Development Activities", October 12th 2006 <http://gnso.icann.org/en/issues/idn-tlds/idn_tor_draft-12oct06.htm>.

4 *Ibid*, both preceding the initial release of Explorer 7 on October 18th 2006. Firefox only allowed the unicode display of IDNs for which there is no risk of confusion see *Infra* note 10.

5 *Ibid*. The Issues Report mentions "Given that the ultimate user experience has been identified as an overall priority, how can any risks for end user confusion best be counteracted? Various risks, issues and aspects of user experience must be a priority. Acceptable user experience levels must be discussed and targeted." The Outcomes Report addresses user confusion indirectly by assessing the effectiveness of DNAMES aliasing (section 4.3.4).

My understanding is that this sidetracking is due in part by the position of IDN alternate root operator I-DNS.net represented in the WG by S.Subbiah. His views against DNAMES aliasing are based on fears that incumbent registries get priority to IDN new gTLDs. See <<http://forum.icann.org/lists/gnso-idn-wg/msg00308.html>>, <<http://forum.icann.org/lists/gnso-idn-wg/msg00416.html>> and <<http://archive.icann.org/en/meetings/saopaulo/captioning-gnso-publicforum-06dec06.htm>>. This is far remote from the core issue of user confusion.

6 Jian Zhang, "Asia Pacific Top Level Domain Association Ad Hoc Working Group on Transliterated TLDs", October 1st 2012, <<http://www.icann.org/en/news/correspondence/zhang-to-icann-01oct12-en>>.

Stakeholder Confusion

Stakeholders to the internationalization efforts have the common expectation that it will ultimately lead to functional IDN.IDN domain names. As such, the first steps in these internationalization efforts, including RACE and IDN.ASCII, were not an end in themselves. Stakeholders involved in these early stages did so on the assumption that they were participating to a work in progress. To that effect, I would like to remind the board of its own minutes of special meeting from September 2000:

[...]Verisign Registry noted that it "intends to develop and deploy multilingual domain name technology in the testbed prior to formal approval of multilingual domain name standards by the IETF.

In the ensuing discussion, Board members thought it appropriate for ICANN to promote an environment that supports development of open, non-proprietary standards for extension of the DNS to non-ASCII character sets without undue delay, while minimizing interoperability problems. They also stressed that the Verisign testbed was only one of several experiments going on, that fair treatment of domain-name holders and registrars is important, that experiments should not significantly risk the smooth operation of the Internet, and that the experimental character of the testbed should be understood by all.⁷

Contrary to the spirit of this resolution, the current transition of existing gTLDs to their equivalent IDN gTLDs is being conducted with great disregard for stakeholders. This situation is the source of additional confusion, and ultimately reflects poorly on ICANN and its stewardship duties.

I see no reason why arbitration cases involving IDN.ASCII do not extend to IDN.IDN in the context of existing gTLDs transitioning to equivalent IDN gTLDs. Similarly, I see no reason why the approximate 190,000 IDN.COM registrants⁸ cannot be guaranteed the right to transition to .COM equivalent IDN TLDs, and why the IDN.ORG registrants were not offered the opportunity to transition at all.

Central to the internationalization of the DNS are the principles of fairness and equity, which are not being exhibited in the current round of the new gTLD program.

I urge the board to consider the history of IDNs and the special circumstances of existing gTLDs transitioning to equivalent IDN TLDs, remedy the lack of consideration for stakeholders now and in the future such as when IDN TLD variants are introduced and when CJK TLDs possibly transition to single character TLDs.

⁷ ICANN, "Minutes of Special Meeting", September 25th 2000, <<http://www.icann.org/en/groups/board/documents/minutes-25sep00-en.htm>>. My emphasis.

⁸ My analysis of the zone file in February 2013. Only domains in scripts allowed in Verisign's new IDN gTLDs. Methodology available on request.

Applications and Confusion

The risks of confusion discussed above falls within the remit of ICANN and applications should not be the ones left to deal with this issue. Some well known applications prefer not to display IDNs in unicode encoding when faced with the risk of confusion. This 'mitigation strategy', in all its varying implementations⁹, is detrimental to the success of IDNs as a technology. Moreover, it should be noted that the source of confusion cannot easily be removed once it is created within a TLD. This is because the second level domains causing the confusion are not typically removed from the zone unless they naturally expire.¹⁰

In summary, the transition of existing gTLDs to equivalent IDN gTLDs may cause serious confusion. The ICANN Board position on the topic is based on obsolete staff work. Furthermore, it does not consider the principles of fairness and equity with respect to the stakeholders involved. Finally, the risk of confusion may result in lasting issues if not dealt at the ICANN level in a timely fashion. In the aggregate, these issues may prove significantly detrimental to IDNs.

Please find attached the contact information for individuals expecting to hear directly from ICANN about this matter. I would appreciate if it could not be made publicly available given the private nature of the information.

Thank you for your time, I remain available for any questions.

Kind Regards,
Jean-Sébastien Lascary

9 i.e. Twitter displays all IDNs as punycode. Google Adwords, Google Chrome and Explorer defaults to punycode but allow unicode based on language settings. Safari uses script settings.

10 Consider the case of Verisign which had permissive registration rules since the inception of IDNs in its .COM and .NET zones. As a result Firefox never displayed IDNs in unicode for these TLDs from 2005 to mid 2013.