
ICANN86 Seville | PF – GNSO: Latin Script Diacritics PDP
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JOHN EMERY

Hello, and welcome to the Latin Script Diacritics PDP Working Session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior, the ICANN Anti-Harassment Policy, and the ICANN Community Participant Code of Conduct concerning statements of interest. Please observe the following guidelines to participate in this session. I will post them in the chat for your reference. Only questions posted in the Zoom chat identified as a question will be read aloud during the session as time permits when directed by the chair of the session. If you wish to speak, please raise your hand in Zoom or otherwise as directed. When speaking, please state your name for the record and speak clearly at a moderate pace. I will now hand the floor over to the Latin Script Diacritics PDP chair, Michael Bauland. Michael, over to you.

MICHAEL BAULAND

Thanks, John, and welcome everybody to Sevilla and our in-person meeting. Next slide, please.

So we have quite a packed agenda. After the welcome, we'll have a short remembering Alan Barrett. He was a board liaison and sadly passed away recently. We'll then continue with a recap of the last meeting, and then continue the review of the initial public

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comments report, review the proposed table of contents, if that still fits in time, and look at the consensus call procedure, remind everybody how this is going to be, and then look at the work plan and the next step and any AOB. Next slide, please. Next slide, please.

As you probably know, Alan Barrett, our board liaison, has passed away recently. And we would like to take a short time to remember him. For my turn, I really got to know him as part of the PDP, when we started our work last year in March. I forgot where the session was. When was it? Last year, March? Anyway, we discussed behind the scene. He had some suggestions how to expedite the process, and I still remember running from Alan to Sarmad and back and forth and trying new ideas, what would be possible, what could be done, and he was always very enthusiastic about the whole topic. It was always a pleasure working with him on this topic. Therefore, maybe we can take a short break, remembering with a short silence. Thanks. If anybody else would like to say something, please raise your hand. Mark, please.

MARK DATYSGELD

Yeah. Thank you, Michael. This is Mark Datysgeld. So one of my other activities is I coordinate ICANNWiki, and on the event of Alan's passing, we went to update his profile, and I was very surprised to learn that he was involved pretty much in setting up the internet in South Africa. Because he was a very humble guy. He never bragged about things. He just worked. Right? He just offered

contributions. He just tried to work really hard. So it was surprising, right? You don't expect somebody who sort of already achieved something so big to continue just working and working and providing for the community. So I'm very thankful that he was able to work together with us, and it's a sad thing, but at the same time, I would like to, in his memory, thank him for everything he did for the internet community, which is something that we all fight so hard for. So thank you, Alan, for all that you did.

MICHAEL BAULAND

Thanks. I also see Anil's hand. Please go ahead.

ANIL KUMAR JAIN

Thank you, Michael. Anil for the record. Of course, Alan was around in ICANN for several years, but I got to know him more during this PDP. Alan was very knowledgeable, very friendly. But at the same time, he was really approachable. I remember an incident recently when we were just studying public comments, and there was an issue which we referred to him to take to the board and bring the results from the board, and fantastic, in the next meeting, he was there with the board output. So, in fact, the passing of Alan is a loss to the PDP, but I think the entire internet community has lost a very knowledgeable and good friend. My sincere condolences for his family and his near and dear friends. Thank you.

MICHAEL BAULAND

Thanks, Anil. And yeah, I agree with all that you said. It's a great loss for our PDP in particular, but also for the whole community. Thanks.

AMITABH SINGHAL

Thank you very much. As we remember Alan, he was our fellow board member, and I had the privilege of being with him for a year and a half on the board, and we didn't think we would lose him so suddenly and so quickly, and it's a big loss for the entire internet community globally. I only learned when I joined the board that his contributions to the internet were so huge. I think it's an irreplaceable loss that we have suffered, and I think his legacy will continue to endure, and it will continue to inspire people who follow. And I really hope that people can do better over the work that he pioneered. So we should all remember the legacy that he has left behind. Rest in peace, Alan. Thank you.

MICHAEL BAULAND

Thanks. Yeah. It feels a bit strange just to continue now with the topic, but I think that's what he wanted, to get the things done. So, yeah, let's continue with the work. Next slide, please.

So, for the key outcomes, in the last session, for IG 11, the working group agreed to delete the word "necessary." Then we talked about recommendation X, which doesn't have a number yet, and we agreed to include this with some adjustment to the language. For PR1, we also agreed to expand the characters, with a limit, but

a bit more than we previously thought would be the basis of our work. And finally, there was a general agreement to apply the same entity principle for non-variant SLDs for ASCII LD TLD sets. Then we are coming to the action item. I see a hand from ICANN board, who would like to add something to our action items. Please go ahead.

AMITABH SINGHAL

Okay. So Amitabh Singhal for the record, ICANN board. As you know, Alan was the liaison to the Latin Diacritics Working Group. And just before his passing away, he left certain information, and I thought I'll share a gist of what he left behind for us to think through. Some of these thoughts have not really been discussed within the board. So what I'm going to share or attempt to share here is what he gave us insights about, specifically, and we will probably need more time within the board to discuss, to actually formulate a specific formal proposal on that from our side. But allow me to elaborate a bit more.

There were a couple of preliminary recommendations that he wrote something about and shared with us, which was on PR18 and PR19. Now, as you know, these recommendations are related to the transaction ongoing fees, the fixed fee, and the transaction fees. Now, there was the discussion about cost recovery, and the application of cost recovery principles were basically said to be based on, as a precedent, from the IDN EPDP Phase 1 recommendations, which the board had adopted earlier on. And at that time, the board had adopted these recommendations on cost

recovery on EPDP Phase 1, if I remember correctly, 7.4 and 7.5 recommendations, with a caveat that these will be non-precedent setting, which basically meant that the board recognized that there are certain unknowns and uncertainties in the future, to which cost principles, whatever the cost methodology, may not be applicable, and we'll have to deal with them as and when we start working on these going forward.

So since there were uncertainties and the cost principles would be unknown, there is still now a discussion within our group here with the team that we have to get into about how to apply cost principles because we don't know what uncertainties are there. There are complexities in terms of implementation. Okay. So we cannot really apply the IDN principles onto Latin diacritics because they structurally differ in how they will be implemented. So recognizing that, I think we will probably need more time to get back to you, but these are the initial thoughts that we have. We may have consideration on PR18 and PR19, which will need to be reviewed or re-looked at, and we'll come back to you on a more solid basis about why we are saying what we are saying after we have discussed within the team and the board per se. So I would also request Saewon to elaborate on any point on this particular discussion that we have internally, anything that may have been discussed, but we need to convey now so that we continue to work on this.

SAEWON LEE

Amitabh, there's a really bad echo in the room and, sorry, the last point I just didn't get.

AMITABH SINGHAL

Let me repeat. I'm saying that we probably need more time to discuss among ourselves because after Alan, we haven't had the time to really formulate beyond thinking that PR18 and PR19 are the two recommendations that we need to get back to the working group with a more formalized feedback. The concern is that there was a precedent setting that was something that the board said should not apply going forward during the IDN EPDP Phase 1 recommendations. And I think what has happened with PR18 and PR19 report is that precedent has been taken from the IDN EPDP Phase 1, which is against what the board said earlier. So this is probably something that one has to look at because that principle does not apply in the context of Latin diacritics for many reasons. And these are the reasons we need to come back to you on. Do you want to add as well?

CHRIS BUCKRIDGE

Yeah, thanks. Chris Buckridge here, ICANN board as well. I think Amitabh probably said it all, but just to also note, we're here for this meeting not currently as formal liaisons. I think the board will consider whether that's sort of appropriate, but it would be really helpful for us to understand the feeling or the sense of the working group in relation to those recommendations. If there is a strong feeling, obviously, that they should be there, they should stay, we'd

be interested to understand better the reasons for that. Hopefully, there is also some understanding in the group of the board's concern in this regard, so there may be a more straightforward way through this, but very interested to hear views either here or we'll be following the mailing list and coordinating with staff as well.

AMITABH SINGHAL

Thanks. Yeah. Mark, do you want to?

MARK DATYSGELD

Thank you to our board colleagues for being here. This is one concern that we do have with the unfortunate passing of Alan. He had the full context, and we were relying fully on him. We trusted him immensely with this liaising, right? So moving forward, it would be important if we were able to communicate a little more frequently and intensely than normal due to the circumstances that we are in, much more so because we exactly don't want to leave that gap with the board of where we are at. Because so far, I think that the discussion between us, ICANN org, and board have been very productive. I think that we have managed to address a lot of the gaps, and now in the sort of final sprint, it would be a shame if we lost that lockstep. So I would really like to invite you all, Chris represents me as the GNSO chair on the board, so it would be really good if you guys felt comfortable coming to talk directly to us more than normal, right? A little more than us having to send letters to each other, because at this point, unfortunately, we kind of need to get things back on track. But thank you so much for

being here today. It already shows a level of support that I hope I can speak for the whole group we appreciate a lot.

AMITABH SINGHAL

Thanks, Mark. Anil, please.

ANIL KUMAR JAIN

Thank you, Michael. First of all, we would like to thank Amitabh and Chris for being here on the part of the board. Two things I just want to bring on this topic. Number one is that, as you have seen, we are quite close in preparing the final recommendations from the PDP. So I request the board, through Amitabh and Chris, to give their opinion as fast as possible so that there is no further delay in providing recommendations to the public and to the community. This is number one. Number two, we are very strong in providing the recommendation as it has gone to the board because we feel that adoption of LD strings is quite low, and we strongly recommend that adoption should be as much as possible, so that the community which is not yet inside the internet should start using internet through LD.

AMITABH SINGHAL

So these are just recommendations. Thank you.

MICHAEL BAULAND

Yep. Thanks. Unmute. Okay. So, as a summary, please correct me if I'm wrong, the board still needs a bit more time for this topic. But

in general, you see possibly a problem with following the exact procedures of the IDN EPDP in the cost recovery principle, because that was not to set a precedent and, therefore, you still need a bit more time to discuss this internally, and then we will get more information.

AMITABH SINGHAL

Thank you, Michael. Amitabh Singhal again. So, thank you for the questions, Anil. I think there are two, three issues around this, and yes, definitely we are looking at discussing with the board before we come back to you with a formal response to it. But just to share informally at this point of time from the two of us and from the team side, with regards to recommendations 18 and 19, they're basically about ongoing registry fees. Okay? So these are annual registry fee and per transaction fee-related issues, and this is not related to the application evaluation fee, right? So the cost recovery principle actually applies to the application evaluation fee and not to the ongoing transaction fees. So this is where the issue would lie. And I think this is from where the issue stems, about the fact that we cannot use the precedence of the IDN EPDP Phase 1 recommendation number 7.4 and 7.5 to this set of cost principles, because we do not know the costs of LD at this point of time. There are complexities around it. We do not know how many applications will be there going forward, thinking ahead. Because if you understand structurally with IDN, the idea was to incentivize the use of IDNs. Here, LDs are a narrow exception path that we have chosen. So structurally, you cannot really replicate a cost principle

from EPDP IDN to LDs. So that is the reason why we have some concerns about how to apply that.

And we need to really elaborate a little more or to shape the concerns a little bit more and share it with you. I don't know how much time we will have to get back to you, but we would try to refer it back to the board, apprise them of the situation and get feedback, and then come back to you formally. It would be in the fitness of things to have a properly vetted board response on this for the working group. And we also are aware that we should not really take too much time. We do not want to obstruct. We do not want the work to not progress. We need to come back to you quicker. So that is something that we are also concerned about. It's just unfortunate that Alan isn't there; otherwise it would not have got stuck at this point of time. So that's what I have to say at this point of time. Yeah. Thank you.

MICHAEL BAULAND

Okay, yeah. Thanks. Understood. It's right, it's not about the cost recovery because that's just the application phase and not the operation phase.

AMITABH SINGHAL

Exactly.

MICHAEL BAULAND

And we also understand that this PDP is an exception process. It's not like the IDN EPDP, which was also there to make IDNs more

accessible, more used by the community. This exception process is not to make it easier or more attractive to get those TLDs, but it's to make it possible for those two TLDs or more of them, which would have been applied for as separate entities and would then have to be paid for as separate entities, to have an exception process to make this possible, which currently is not possible.

AMITABH SINGHAL

Correct.

MICHAEL BAULAND

We understand that, yes.

AMITABH SINGHAL

The other concern that I would like to share here, just to add on top of what you have mentioned correctly, is when it comes to establishing the costs, it is always ICANN org which has been responsible for setting the fees based on the work involved. And since we still do not have a clear picture, as I understand from the team, the costs are still not defined. It's too early for them to be able to determine what the costs are going to be in the future. When you talk about cost recovery principles on application fees, that's already implemented with the Next Round, which is currently ongoing. So that principle is already established, accepted, and implemented. But with regards to the transaction fee and the ongoing fee for LD, it's still something for the future. So to apply this recommendation at this point of time could be something that

we need to really still think about. And we need to have a better understanding of what costs we are talking about. It could be very different from what we have established as a precedent before, which is why we thought using the IDN EPDP Phase 1 recommendation as a precedent could be problematic structurally for these reasons.

MICHAEL BAULAND

Okay, thanks.

AMITABH SINGHAL

Yeah.

MICHAEL BAULAND

I appreciate your explanation. Maybe as a short explanation where we come from is that we try to follow the IDN EPDP rules as much as possible because the idea was that then the adoption might be easier, because this has already been all approved for the IDN EPDP, and if we stick as much as possible to the ways of the IDN EPDP, this would be easier and quicker. But if in that specific context this is not the case, then we have to see about that.

AMITABH SINGHAL

Correct. So in principle, yes. As you say, it looked like it would be easier to use it as a precedent, but once we go back to the board, the board might just cite the caveat saying that we did not want it to be a precedent, so it should not get into a debate where there's

back and forth on this caveat. So it would be our suggestion at this point of time that maybe if you want to provide a guiding principle on what costs should look like, you can do that, but use it as a guiding principle rather than as a firm recommendation because of so many unknowns at this point of time.

MICHAEL BAULAND

Thanks. Yeah.

AMITABH SINGHAL

I hope that is clear. Thank you.

MICHAEL BAULAND

Makes sense, and thanks for joining us here and explaining your point of view, and we'll be waiting for further discussions and considerations on your part.

AMITABH SINGHAL

Thank you very much. Thank you.

MICHAEL BAULAND

Okay, great. Then we can take a look at the other action items here, which we have on our schedule. There's one, the revision of recommendation X, as we discussed last week. We'll take a look at that right after this, and then we take a look at the PR1 changes to extend the character scope. Then we have the action item to revise Figure 3. They have been a bit confusing. We will take a look at

those and provide some example cases for PR39, and finally, to update PR40 for case 1.3, which is about the same entity principle on the second level. With that, next slide, please.

We have this new recommendation X, which reads at the moment, "The string similarity evaluation panel should not permit any ASCII and its corresponding Latin diacritic gTLDs to proceed independently through separate applications. Such gTLDs may only proceed and be delegated as an ASCII Latin diacritic gTLD set by a single entity." The reason we introduced this is to have more determinism here in the whole process, because as it is now, applicants don't know. In the case they would apply for those TLDs separately, it might go through. Most likely it won't. But this is an inconsistency and also to be more, I'm missing the word now. That's what Sarmad always wants.

SARMAD HUSSAIN

Conservative.

MICHAEL BAULAND

Yeah, conservative. Thanks. This would also bring more conservatism to our whole process. So this is a suggestion of the wording. Any thoughts, comments, agreements, disagreements with this suggestion? Okay, seeing no comments. Tapani, please. Oh, Bill too. First Bill, and then Tapani. Sorry.

BILL JOURIS

This is Bill Jouris for the record. My concern with this is that if someone already has an ASCII diacritic, then they would have to make what is effectively a separate application, because they couldn't apply for both at once. They've already got the ASCII version. I realize that's not an issue for us, but I think we need to get the wording such that it makes clear that that's allowable. Thank you.

MICHAEL BAULAND

Thanks, Bill. Yeah. We would clarify this in the rationale, but this is, of course, a standard use case that if such a TLD already exists, it's still possible to add diacritic or ASCII versions and create a set. This recommendation just says that it's not possible to have two separate TLD applications, or one application if one exists. We may have to see whether we need to tweak the wording of the recommendation or whether it's sufficient to clarify in the rationale. But the idea is that it's not possible to have two TLDs separately. They have to proceed as a set. But yeah, thanks for that comment. Tapani?

TAPANI TARVAINEN

Tapani, for the record. I was actually going to make exactly the same point. I will note that it could also be that there is already just a diacritic and one applies for the ASCII version on the side, and the same issue applies.

MICHAEL BAULAND

Thanks. Yeah. We'll take a look at that outside of this meeting and come back to you with a suggestion whether we put this into the recommendations or whether it's sufficient to have that in the rationale. But the intended meaning is, of course, clear, that it's not possible to have them operated separately and therefore applied for separately. The application must be as a set.

Okay, I see no more hands or comments. Then we can continue with the next slide, please. This is just a consequence of our decision. This was a graphic to compare our LD PDP process with the existing standard process. And up to now, for the standard process, we had two possible outcomes depending on what the string similarity review panel would decide, whether those TLDs would be considered confusingly similar or not. The outcome could be either they are considered similar and would go into a contention set if applied for at the same time, or would be rejected if one of the TLDs already exists and only one string can proceed; or the other option would be that the panel would consider them not being similar, and then both TLDs could be operated separately from each other. With this change now, this uncertainty is removed, and it's clear, or the policy says, that if you want to have both TLDs or more than two TLDs coexist, you have to go with the LD PDP process. It's not possible to go with the standard process. So we will adjust the graphics accordingly and the comments, but this is just a consequence of the new recommendation we introduced. Any questions about this? Mark, please.

MARK DATYSGELD

Mark Datysgeld speaking. I think there's some relevant context in chat, Michael. You might want to just bring up the points on the thread on Bill's intervention and Saewon's reply, just for us to have it on the spoken record.

MICHAEL BAULAND

Okay. I haven't been following the chat. But okay, Bill says he's concerned that some might already have an ASCII diacritic. They would need to effectively make a new application. We need to get the wording clear that it's allowable. And Bill says then, "Need to say that here, even if we have made the point elsewhere." Saewon's response: we do have a separate recommendation on applicants submitting a new application for an already existing gTLD, but this point can be added to the rationale. Then she mentions the preliminary recommendation here and the other corresponding things. Okay, still a hand? Okay. Any other questions or comments regarding this figure? Seeing none, then we can continue to the next slide, please.

This is now the change of PR1, where we changed the wording to allow more diacritics, because it seemed that in our original approach, we took the definition from Unicode a bit too strictly and thereby omitted some characters which are broadly seen as also being diacritics. So preliminary recommendation 1 reads now, "In order for any gTLDs to be considered as an ASCII Latin diacritic gTLD set, they must meet the following requirements. 1.1, the only

distinction between an ASCII gTLD string and its corresponding Latin diacritic gTLD strings must be the presence of a diacritical mark." Then 1.2, which is completely new now, or a rewording of the existing one: "Eligible characters for the ASCII Latin diacritic gTLD set are bound by the Unicode table. These are all characters with a Unicode name of Latin small letter X with Y, where X must be an ASCII character and Y is one or multiple diacritic marks. In addition, all combining sequences consisting of one ASCII character and one or more combining marks are included." This is necessary because in the root zone repertoire, there are some characters which are not pre-combined, but which are a composition of two or more code points, and one of these code points is an ASCII character, and the others are combining diacritical marks. And the rest of the recommendation is still the same. So it says that we still must adhere to the root zone LGR, so we are not introducing any new characters via the Unicode table. The root zone LGR repertoire is a given, and also that existing variants are out of scope. Mark?

MARK DATYSGELD

Thank you. Mark Datysgeld speaking. I would like to just make a point for the broader community and for our board colleagues. There was a lot of very deep intellectual discussion carried out around this, and many aspects were brought up by several of the members in terms of linguistics, Unicode. There was a lot of discussion between me, Tapani, Louis, Sarmad. Werner's comment was one of the guiding principles for us to discuss this. So just to

clarify, this is not something that we are arriving at lightly. This is not something that we happened upon. We had a lot of very informed conversations about this. So behind this, there's actually a lot of compromise. It might seem like a fairly broad scope, but there's actually quite a lot of compromise and concerted thinking around this decision. So just to clarify and thank the group for the incredibly respectful and interesting discussions that we had. I think we covered a lot of ground.

MICHAEL BAULAND

Thanks, Mark. I appreciate the background information. And yes, as you said, with our original definition, we have excluded some diacritics and thereby excluded some languages which we shouldn't have excluded. But luckily for this also, the public comment is there to help us find those issues and be able to correct them. Any other questions or comments? Are you okay with the new wording? I see one thumb up. Okay. Seeing no objections and a few thumbs up and good to gos in the chat, I think we can keep this as the new PR1.

Great. Then let's go to the next slide, please. This is just a small change. There was a suggestion that in PR39, we should add the word "second-level" in the recommendation to make sure that everybody is aware that we are talking about second-level labels in this recommendation and not about the root zone label. So the new recommendation reads, "Building on an ASCII Latin diacritic gTLD set as defined in preliminary recommendation 1, an ASCII

Latin diacritic domain set is defined to include 39.1, a second-level label and all its variants within a given TLD as determined by the second-level LGRs for that given TLD and the same labels and all their variants across all other TLDs within the ASCII Latin diacritic gTLD set." Next slide, please. I think there's nothing to discuss here.

Now we come to the update and understanding of Figure 3. There have been some questions, or question marks on faces of some of the people, and for that, we redrew Figure 1 to make it a bit more clear what we are talking about. It's about the same entity. At first, let's just take a look at what policy already exists now given by the IDN EPDP. If we have a TLD, ASCII or non-ASCII TLD, and then we have a label there, example.atld, then all variants of that label, examplev1, examplev2, examplev3, all of these domains have to belong to the same entity. So all variants as defined by the LGR used for that TLD. This is already now the case, and from that, we extrapolate what it means for our case. Next slide, please.

So if we have an ASCII LD domain set, as a consequence of this, we have that the same label, example.atld, in the diacritic TLD, example.ldtld, needs to belong to the same entity because it's the same label, and that requires the same entity. And then by consequence of the IDN EPDP, all variants of those labels also have to belong to the same entity. So this means that in addition to the domains we saw on the last slide, also the domains examplev1.ldtld, examplev2.ldtld, and examplev3.ldtld will have to be in the same entity set for the whole TLD set. Interesting to see here is that there is no variant relationship crossing the TLD border.

This is something peculiar to our case, because in the IDN EPDP case, the TLD labels are already variants of each other. And as a consequence, all of these domains which you see here, if ATLD and LDTLD were variants of each other, then all eight domains displayed here would have been variants of each other and thereby have to belong to the same entity. But in our case, the only variant relationships exist within a TLD, and across, we only have the requirement that the same label must belong to the same entity. Any questions so far regarding this slide? Then this is still the easy part. We'll come to the more complex cases on the next slide, please.

So the more complex case is if we start with `example.atld` on the one side as a registered domain name, then as we saw before, all the variants of that domain have to belong to the same entity, `examplev1`, `examplev2`, and `examplev3.atld`. But it could be the case that this example string simply does not exist or is not within the repertoire of the LD TLD. And in that case, this does not mean that suddenly none of the domains under the LD TLD belong to the same entity. But here we now have to do a step that for every second-level domain label that exists in the variant or same entity set on the ATLD, all labels that also exist on the LD TLD must also belong to the same entity. So in this example, we have that `examplev1` exists in both TLDs and it's part of the same entity variant set in the ATLD. Then, of course, `examplev1.ldtld` must be within the same entity set. Same for `examplev3`, which is available in both TLDs. Then also `examplev3.ldtld` must be part of the same

entity set. But then it could also be that the LGRs that are active in the LD TLD say that examplev4 is a variant of examplev3, but it's not part of the repertoire of the ATLD. But then this one also has to belong to the same entity because it's an implication of the variant requirement. So that means that all of these seven domains which we see here all have to belong to the same entity. And this is basically graphically what the preliminary recommendation we have seen says in some abstract examples. Any questions, comments regarding this one?

MARK DATYSGELD

The example is useful. Thank you. The next one.

MICHAEL BAULAND

Yeah. Ariel, please.

ARIEL LIANG

Hello, Michael and everybody. Sorry I can't be here in person, but I'm here with you in the Zoom. Please educate me on this case. I think I'm blanking out slightly. I remember there was a recommendation about harmonization of IDN tables, even for the ASCII LD TLD set. But please remind me if there's no such recommendation, but I think there is one for the harmonization of IDN tables. So I just wonder whether this scenario you're talking about, examplev3 under LD TLD has a variant of examplev4, but this specific case doesn't exist under the ASCII one, is that going to be even possible if we have to harmonize the IDN tables? I hope I'm

explaining myself okay. I was just wondering whether that could potentially create a conflict with the kind of expectation of harmonizing the IDN tables under the set. But if there's no such expectation or requirement, then that totally makes sense. So I just want to kind of get educated on this, and maybe my memory was wrong. So, yes. That's my question.

MICHAEL BAULAND

Thanks, Ariel. Good point. Yeah, we do have this requirement of harmonization of LGRs. This is necessary, similar to the variant case. But even though we have this requirement, this case is still possible. It's a corner case, but it's possible. The LGRs being harmonized does not mean they have to be the exact same LGRs. It just means that if two labels are a variant in one LGR and both labels are available in the other LGR, then they have to be variants in that LGR, too. So it's not possible to have labels which are variants in one LGR be non-variants in the other LGR. That would be a contradiction, and that would have to be solved by a harmonization. But it is possible that one of the variants in one of the LGRs is just not within the repertoire of that TLD. So in this example, we have some real-life examples on the next slide, and maybe that makes the understanding a bit easier. But, yeah, let's go to the next slide, please.

So here we have the TLDs .cafe in ASCII and .café as in Latin diacritic. And let's, just for the sake of argument, say that the .café Latin diacritic TLD uses the second-level Latin reference LGR, and

the .cafe in ASCII, for some reason, maybe they don't like Germans, I don't know, just doesn't want to have the Eszett available in those second-level labels at all. They say, "No Eszett in .cafe ASCII." It's not a likely approach, but it's certainly a theoretically possible approach. And in that case, for the same entity set on the Latin LD TLD, we have the labels with Eszett under .café and with double S under .café because Eszett and double S are variants. And also we have, because A and A with an accent are also variants according to the second-level reference LGR, even though they are blocked variants, but they are still variants and therefore must be part of the same entity set. But on the left side, on the .cafe in ASCII, those labels with an Eszett just don't exist, but still the others need to be part of the same entity set.

And next slide, we have an even more complicated example, but which covers the previous case. If we are having one example where one LGR does not allow Eszett and the other LGR does not allow the Turkish dotless I, in that case, we have a situation where we have variants in one of the TLDs which are not available as labels in the other TLD and vice versa. And this is exactly the case which we have looked at in the theoretical example which Ariel mentioned. This would be possible. The LGRs would still be harmonized. It's just that certain characters are not part of the repertoire, and this would still have to work. Any further questions, comments? Yes. Mark, please.

MARK DATYSGELD

Speaking as the vice chair of the group, what? Can you? I'm having a hard time following myself, and I participated in this discussion. So this final example, what fundamentally are we trying to get at with this one?

MICHAEL BAULAND

What we are showing is that our definition of the same entity set cannot just rely on the label that has been registered and the same label in the other TLD, but it has to be somehow a transitive operation, that you have to generate the variants that are created by the domain you register, and then you have to look for all of the variants, which of those labels are available in the other TLD, and then you have to do the variant calculation of those labels once again because you might have lost or missed some labels which are not part of the repertoire in the one TLD. So that's what this example wants to show.

MARK DATYSGELD

Thank you, Mr. Chairman. Now I think I understand.

MICHAEL BAULAND

Great. Thanks. Tapani, I see your hand. Please.

TAPANI TARVAINEN

Is there something of a typo in that table on the left side? Because there are some accented cafés in the left column.

MICHAEL BAULAND

Oh, right. Yeah. I didn't realize that. That's right. All the TLDs on the left side must be ASCII TLDs without the accent. We will fix that. Great, thanks. That's the reason why these letters are confusingly similar, right? It was actually just a test. We made it on purpose, and you passed the test. Any further questions, comments regarding this? Seeing none, I think we can continue to the next slide, please.

So here we have the graphics basically similar to what we have there, but with a bit more arguments why these cases occur. So what we have for same entity: of course, we have the TLDs in the LD ASCII set which have to belong to the same entity, i.e., being operated by the same registry using the same RSP. And then we have agreed that the same label in both TLDs at the second level will have to belong to the same entity. And then we had, via the already existing policies created by the IDN EPDP, that all variants of those labels also have to belong to the same entity. So in this example, I can't read this, but we have Chinese characters here and those have variants. Next slide.

This is basically the same example, just using Latin script. I also probably can't pronounce it since it's Turkish, but I can try to read it: Yilmaz. So we have this label with the Turkish dotless I, and the same label on both TLDs is in the same entity set, and then also the variants of that. Here we just show the allocatable variants, but of course, also the blocked variants need to be part of the same entity

set. But these allocatable would be ones that would be available for the registrar or registrant to activate. Next slide.

And this is what we've been discussing last time, and this is about not the variants on the second level, but the diacritic versions at the second level. So if we have test in ASCII .example and test with an accent on the E .example as the LD TLD, then previously we said that this would be up to the registry operator to decide within their policy. But there have been some comments that this could be quite confusing, that if at the TLD level those have to belong to the same entity, but at the second level the registry operator is free to decide whether they should be same entity or should not be same entity. And this is not really up to the conservatism principle and might cause more confusion than is helpful. And we had a longer discussion during the last call, and the consequence was that we decided we want all ASCII and LD second-level labels also to have to belong to the same entity set. Tapani, I don't know, do you want to bring that up now then? Yeah, please, go ahead.

TAPANI TARVAINEN

Yeah, just noting that there are cases where this does not really make sense, but where they're so marginal cases, and I could not come up with any rule that would work better for those cases. So I concede that this is the case. But I note that in some ccTLDs, you can have second-level domains, and you actually have extant cases that differ only in the Latin diacritics. So there might be cases, but I'll settle on having a note somewhere in the report that these extra

cases are difficult enough to handle that we have tried to live without them. Also, going back, the Chinese case slide we have, I think there was a typo as well. It was the same Chinese characters on both sides of the column, but that's another minor detail.

MICHAEL BAULAND

Okay, thanks. Yeah. As Tapani said, if we make this strict rule, of course, there are or there may be some cases where people have a good reason for those domains to have different meanings, and they possibly should belong to different entities. But these are really corner cases, and it's not really possible to have a policy that looks at specific meaning of labels and have different cases for those. So it's the better and more conservative approach, especially since domains are not always used within a single language, but they are used all over the world. Even if registered by a person speaking one language, other people can still access this. So that's why we decided that, acknowledging these corner cases, we would still go ahead with the requirement to have this also be part of the same entity set.

Any questions, comments regarding this? Seeing none. We have 15 minutes left. I see no objections and just one agreement. Any other agreement or objection? If you're not okay with that, it would be nice to see at least one or two more voices. Okay, I see a few more agreements, and Tapani already mentioned that he also agrees. So, yeah, we are good to go with this. Thanks. Okay. And then next slide, and I will hand over to Saewon for this next topic. Thanks.

SAEWON LEE

Hello, everyone. I'm really not liking the echo in this room, but Saewon Lee from ICANN org staff, for the record. I know we are only 13 minutes away from concluding, but we're going to pivot a bit today to go and look at the public comments for human rights impact assessment first. We do only have a few recommendations to look at to conclude this work related to the public comment review, so we thought it might be suitable to go through the human rights impact assessment public comment today. So, just to go through the protocol, there were three commenters, one from an individual, one from the Registrar Stakeholder Group, and one from NCSG, the Noncommercial Stakeholder Group, on this section in total. And specifically, there were two for GPI, Global Public Interest, and three for Human Rights Impact Assessment. And though it will be summarized in the presentation material today for you, again, I would like to encourage everyone to go and review the comments in their entirety. Again, it's a reminder for you every week. If John or Steve could share the public comment review tool link in the chat for us, that would also be greatly appreciated. So, if you see in this slide here.

SARMAD HUSSAIN

Sarmad. Sorry, I was a little late to the mic. I have a slight comment on the last recommendation, if that's okay to bring up.

MICHAEL BAULAND

Yeah.

SARMAD HUSSAIN

Yeah, just a question, and I'm not sure whether this is something we'll discuss or not discuss. If it's something to discuss, then that's okay, we can do it later. When these are grouped together, the versions with all their diacritics, are they allocatable, all of them? Or are some blocked, some allocatable? And if this is a discussion we do later, then we can wait, no problem. Thank you.

MICHAEL BAULAND

Good point. We haven't discussed that yet, but it's an important point. We have to come back to that, but we'll do that in the next remote session. But thanks for reminding.

SAEWON LEE

No, it's more important to conclude that, so it's good. Thank you. Going back.

So, if you see in this slide, NCSG provided a general overview, or review of our human rights impact assessment. And if you see here, the five points are not necessarily listed in the order of positive or negative, or let's say supportive or concerning remarks. It's just listed in the way that they had presented. First of all, you'll see that they commended that we had included the human rights impact assessment proactively integrated into our work, and that our work, well, actually, the first point goes hand-in-hand with the last point, where they again requested that human rights impact

assessment should be formalized as a GNSO standard. And as you all know, it is within the charter and is formalized in future PDPs as well. The second and third points are about specifying an actionable mitigation measure to the identified risk that was in the analysis when we conduct such analyses, and also specifying in detail the impacted communities, rather than grouping them into one. The fourth point is related to requesting a post-implementation review of such analysis.

Going on to each specific human rights issue category, you'll see here in this slide, first of all, starting with diversity, which is related to the rights to equal treatment. Our question was, does the LD policy recommendation allow for a diverse, inclusive, and multilingual internet? And we had said that there was no negative impact, or the impact was low negatively. And so they commented that we need more details on future work and that, again, distinction among the impacted groups such as the registries, registrars, registrants, but also to distinguish those from well-resourced commercial registries to those small community-based registries should be mentioned. And the working group should consider these comments and the paths forward. Obviously, as a proposed path forward, if you see in the last point in the far right, we can present actually these impacted parties to be updated in the final report in detail. For the first point, since we have now expanded our characters and decided not to depend on decomposability of the characters for this PDP, I think we have actually resolved this issue for our work.

Second, related to the participation category, there were two distinct but complementary questions for participation that were asked in our analysis. So first was whether the recommendation supports free expression through effective participation and whether personal data is appropriately protected. Again, they commended that our questions were framed well for this category. In the opportunities column, they mentioned as an improvement that we can make in our analysis that the barriers to participation, such as smaller registries and underserved communities face. Oh, sorry. Sorry. The first column, I meant they actually supported how we framed our questions and that we detailed in the analysis the barriers to participation. So for example, as I just mentioned, how we specified smaller registries and underserved communities that face financial obstacles and may lack the legal or technical capacity to engage effectively in our work, as well as, for example, acknowledging ASP was considered important and crucial. While that said, going on to the second opportunities column, they said that concrete mitigation measures should be identified. For example, the complex application processes and how they could be dealt with should be specified in the analysis. Again, the Latin Diacritics PDP Working Group can consider this comment, but if you see in the last column again, the path forward that the working group can consider is, well, path forward as in just to remind the working group that currently we do have certain recommendations that deal with outreach, like recommendations 50 and 52 in our report, but also any issues related to groups being more clear or

transparent could be added into our Human Rights Impact Assessment Checklist if necessary.

I am conscious that we have four minutes left, so I'll be very quick in the last three categories. So third being due process, fourth being accountability, and fifth being transparency. Rather than actually going into each strength and opportunity where the working group did well in its analysis, I would like to actually point to the last column on the actions forward. Again, please do go and review the public comments in their entirety. But if you actually see some of the comments that were made, not the strengths, obviously, because that was commending us for doing good work related to what could be done further for the final report and also for future PDPs, it was a lot related to implementation work or some future implications on how this work could be done. So for this moment, it didn't really seem relevant to what the working group could do further in its final report. And if so, unless the working group disagrees, it could be detailed further within the final report of the Human Rights Impact Assessment Checklist or within the rationale. And that's pretty much the path forward that we could propose from leadership team and staff. And again, I know I skipped through the last three, but I am conscious that we have three minutes left, and we do have a bit of next steps to go over. So if there's any questions on this or any details that need clarification, we can pick it up during our next meeting. But basically, NCSG left us with some homework that is easily fixable for the working group. And I'd like to end there for this one.

MICHAEL BAULAND

Thanks, Saewon. We have no time for questions or comments. We will revisit this in the next call, and I think we should quickly go to the next steps or proposed work plan. Saewon, please.

SAEWON LEE

Yes. I did expect that we'd be running out of time for this one, but if you see in the proposed work plan, as you can see today, we did go through preliminary recommendations 1 to 41 and the Human Rights Impact Assessment very briefly. And we can pick up on this again during our next meeting for any AIs that we have left. But as you can see, we anticipate the meetings to be concluded at the latest by 8 July, so that we can resolve all the public comments and any other unresolved issues within the next three meetings. As you can see, the next meeting is 24 June. And if you see in this calendar, there's no meeting next week, obviously because it's travel week, and then we will pick it up on 24 June where we will conclude on the AIs as well as the rest of the public comments. And then to highlight here, I guess after the meetings are done on 8 July, the leadership team and staff will finalize the policy language and then circulate with the working group for their review. And then once that is done, going into August, the consensus call will be issued for 10 days, and then the report to be finalized by the end of August is the current work plan. Obviously, if we finish earlier, we can always finish earlier, but this is the current work plan.

MICHAEL BAULAND

Thanks, Saewon, and seeing that we are at the top of the hour, I will close the meeting now. You can stop the recording, and thanks everybody for joining the call. Have a great rest of the day. Bye.

[END OF TRANSCRIPTION]