Date: 2 May 2025

Discussion Paper About the Han Single Character IDN EPDP Recommendation 3.17

This paper is developed by policy support staff in response to the following action item from the GNSO Council:

***Request for Guidance from the New gTLD Subsequent Procedures / IDNs EPDP Phase 1 IRT:** Staff on behalf of the GNSO Council leadership to draft a discussion paper on the options to develop guidance on the issue of Han single characters including the GNSO Guidance Process (GGP) or an Expert Working Group (EWG). Specifically, there is a recommendation from the IRT Liaisons to refer this complex matter to a GGP, to determine the guidance necessary to allow Han single characters to proceed, with an acknowledgement that the group could well determine that Recommendation 25.4 and IDN EPDP recommendation 3.17 as approved may not be implementable.*

IDN EPDP Recommendation 3.17:

"The EPDP Team affirmed the Recommendation 25.4 in the SubPro PDP Final Report that single-character gTLDs may only be allowed for limited scripts and languages where a character is an ideograph. At the time of the EPDP Team's deliberations, the only script that meets the criteria is the Han script, which is used in the Chinese, Japanese, and Korean languages. Nevertheless, applications for single-character gTLDs that are ideographs must not be accepted until relevant guidelines from the Chinese, Japanese, and Korean Generation Panels are developed, finalized after Public Comment, and implemented in the New gTLD Program. In the event that the Generation Panels determine such additional guidelines beyond the analysis already provided in the RZ-LGR unnecessary, applications for single-character gTLDs in the Han script shall be accepted."

Background and Context:

The New gTLD Subsequent Procedures (SubPro) PDP provided Recommendation 25.4 (approved by the ICANN Board) to allow single character gTLDs for ideographic scripts in the next round, provided that they do not introduce confusion risks that rise above commonplace similarities. The IDNs EPDP Phase 1 Final Report put forth important additional detail and limitations on 25.4, prescribing that the single character gTLDs <u>be limited to the Han script</u> and that applications must not be accepted until relevant guidelines are developed and put in place by the Chinese, Japanese, and Korean (CJK) Generation Panels (GPs). Alternatively, the IDN EPDP concluded that if the CJK GPs determine that additional guidelines beyond the RZ-LGR are not needed, then the single character applications should proceed.

The matter was put out for public comment by the CJK GPs. Although the CJK GPs [stated] that the work done in the Root Zone Label Generation Rules ([RZ-LGRs]) sufficiently addresses the concerns around the risk of confusion for single character Han script gTLDs, the majority of the [public comments] on the CJK GPs' statements opposed moving forward. Some commenters from the Chinese community expressed concerns about the lack of alignment with China's

linguistic laws and regulations, the complexities of Chinese character ideographs, and end-user confusion due to multiple meanings of many single characters. One such comment received from a co-Chair of the Chinese GP (CGP) argues that the CGP should not be and was not involved in "risk of confusion" policy considerations related to single Han characters as TLDs. Many of the comments called for further community work prior to proceeding. Similar concerns were received through the public comment on the relevant draft AGB sections.

This public comment was discussed with the Sub Pro IRT IDN Sub-Track which referred the matter to the main SubPro IRT. The main SubPro IRT was asked by ICANN staff whether Recommendation 25.4 should be determined to be non-implementable or whether the issue should be reviewed with the Council to help determine next steps; it was agreed that the Liaisons should raise the issue for discussion with the Council. A background document was prepared by Lars Hoffman and shared with the Council on December 9, 2024.

The IRT Liaisons recommended that this complex matter be deliberated in the context of a GGP, to determine the guidance necessary to allow Han single characters to proceed, with an acknowledgement that the GGP could well determine that Recommendation 25.4 and IDN EPDP recommendation 3.17 as approved may not be implementable. Due to time constraints, and the fact that both the SubPro and IDNs recommendations were conditional, the Liaisons believe that the recommended GGP should not serve as a dependency for the Next Round.

Following the discussion at the December 2024 GNSO Council meeting, staff was tasked by the GNSO Council leadership to provide background information on options for developing guidance on this matter including the GGP and an EWG. Staff provided an update to the Council during its April meeting where an additional mechanism was identified - the External Expert Advice process as captured in Article 13 of the ICANN Bylaws.

Here follows a description of each mechanism, along with a table that seeks to identify advantages and disadvantages for each option:

GGP: A GGP may be initiated by the GNSO Council when a request for input relating to gTLDs (either a new issue or in relation to previous policy recommendations) has been received from the ICANN Board or a gTLD issue has been identified by the GNSO Council that would benefit from GNSO Guidance, and it has determined that the intended outcome of the GGP is not expected to create new "Consensus Policy" recommendations including, but not limited to, any new contractual obligations for contracted parties (in which case a PDP would need to be initiated). However, the GGP may provide interpretation or assist in providing clarity with regards to the implementation of GNSO policy recommendations.

Governance: The GGP is managed by the GNSO Council and governed by the ICANN Bylaws and GNSO Operating Procedures.

Inclusion of experts: If deemed appropriate or helpful by the GGP Team, the GGP Team may solicit the opinions of outside advisors, experts, or other members of the public.

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EWG: There are no guidelines as to what constitutes an EWG though you can find info on an EWG on gTLD Directory Services from 2013, which was formed by ICANN's then CEO, Fadi Chehadé, at the request of ICANN's Board, to help resolve the nearly decade-long deadlock within the ICANN community on how to replace the current WHOIS system (source). As an unofficial mechanism, the EWG has naturally not seen abundant usage. However, ICANN org has very recently announced that it will establish a Universal Acceptance EWG.

Governance: Presumably managed by the ICANN Board and/or ICANN CEO with no clear governance structure.

Inclusion of Experts: As the name suggests, the EWG is designed expressly for gathering experts to address an issue.

External Expert Advice: As described in the ICANN Bylaws, section 13.1, expert external advice can be sought in order to, "allow the policy-development process within ICANN to take advantage of existing expertise that resides in the public or private sector but outside of ICANN." In addition, "on its own initiative or at the suggestion of any ICANN body, the Board may appoint, or authorize the President to appoint, Expert Advisory Panels consisting of public or private sector individuals or entities."

Governance: The terms of reference shall be determined in advance, describing the issues to be analyzed and the advice being sought, as well as procedures and schedule to be followed. The results of the analysis shall be provided in writing, shall be advisory in nature (i.e., not binding), and is intended to be supplemental to information already available to the relevant party.

Inclusion of Experts: Here again, as the name suggests, the External Expert Advice mechanism is designed expressly for gathering experts to provide advice on an issue.

Mechanism	Advantages	Disadvantages
GNSO Guidance Process	- Limited scope and appears to fit the intended purpose of a GGP. - Can incorporate experts, in addition to GGP members. - Shorter in duration than a PDP. - Formalized mechanism that can stand up to scrutiny.	- Can be difficult to manage scope. - Procedural rigor of the GGP will result in a lengthy process (e.g., year+ since it requires Council and Board adoption). - Unwieldy process for what may be a relatively simple charter question. - Given the specialized nature of the subject matter, a community-supported group may lack expertise.
Expert Working Group	- Designed for providing expert advice. - Can be narrowly scoped.	- Not a formal mechanism, so no guidance on structure or governance mechanisms, which could mean that

	- As such, can likely be nimble and short in duration.	there are questions about remit, rules of engagement, accountability, and how to handle any outputs or recommendations. - Can presumably only be convened by the ICANN Board and/or ICANN CEO. - May require the expenditure of funds.
External Expert Advice	- Designed for providing expert advice. - Scope and governance are flexible and can be customized for a particular issue. - Formalized mechanism that can stand up to scrutiny.	- Must be initiated by the ICANN Board, potentially at the suggestion of the GNSO Council. - The flexibility for scope and governance also means that it must be defined for each usage of the mechanism. - It may be a matter of interpretation of whether the expertise resides "in the public or private sector but <u>outside of ICANN</u>." - May require the expenditure of funds.

Conclusion:

As can be seen in the comparison table, the GGP, EWG, and External Expert Advice mechanisms all have advantages and disadvantages. However, determining which is the right mechanism depends on the anticipated questions and the scope of work. The scope suggested by the GNSO Council liaisons to the IRT is that the GGP is to develop the, "guidance necessary to allow Han single characters to proceed." The IDNs EPDP determined that it did not have the requisite expertise to perform this work and sought to task the CJK Generation Panels (GPs) with doing so, since it was believed that they possessed that knowledge. However, with the CJK GPs communicating that they should not be charged with examining the risk of user confusion, there is no longer a designated party, per the policy recommendation, to perform the work. **In an effort to isolate the issue, the absence of a qualified party to perform the implementation work as envisioned in IDN EPDP Recommendation 3.17 seems to be the crux of the problem.**

Therefore, the Council should consider which question(s) it is seeking to answer, which may help to determine the proper path forward. For instance:

- Only the core question: With the CJK GPs unable to perform the work, is there an alternative party that possesses the requisite expertise? Can that party serve as a

substitute in developing the guidelines (i.e., implementation) envisioned under Recommendation 3.17?

Or in addition to identifying the alternative party:

● Must the guidelines be developed in the context of whatever mechanism is selected (e.g., GGP, EWG, or External Expert Advice)?

The scope as originally communicated by the liaisons might warrant additional discussion by the Council. If the goal is to simply identify an alternative party to the CJK GPs to develop the guidelines, all three mechanisms may prove to be too unwieldy and lengthy. For instance, ICANN org and community experts may be able to identify an alternative party to take on the work envisioned to be performed by the CJK GPs. Once that alternative party is identified and agrees to develop the guidelines, perhaps the matter could then be referred back to the IRT, as a matter of implementation?

However, if the Council believes that it needs to both identify the alternative party and actively manage that party's analysis and development of guidelines, then a GGP in particular might be appropriate, as the Council manages GGPs. If the Council is willing to cede oversight to the Board or ICANN org, then perhaps the External Expert Advice process or EWG may be appropriate. It may be relevant to recall that Recommendation 3.17 is already adopted by the ICANN Board, which directed ICANN org to implement the recommendation. Therefore, it might arguably be inappropriate to remove the substantive work from the context of ICANN org implementing GNSO policy recommendations.