The ICANN GNSO "Business Constituency"

Comment on Internationalized Domain Name (IDN) Implementation Guidelines

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Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter:

> The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:
> 1. promotes end-user confidence because it is a safe place to conduct business
> 2. is competitive in the supply of registry and registrar and related services
> 3. is technically stable, secure and reliable.

Comment on the Internationalized Domain Name (IDN) Implementation Guidelines (ICANN Comment page at https://www.icann.org/public-comments/idn-guidelines-2017-10-19-en)

The BC strongly believes that the increased use of IDNs will facilitate the creation of customized and relevant localized content for consumers in various countries and regions across the world, especially in developing nations with predominantly non-English-speaking populations. This practice will benefit businesses and consumers alike by fueling economic development in regions which currently have limited choice with respect to linguistically and culturally tailored domain names and content. That being said, businesses of all sizes have a strong interest in ensuring that IDNs are not used in a manner that will confuse or deceive consumers, for instance where an IDN label at the second level is used to mimic a third-party domain name, trade name or trademark. While, at a high level, we appreciate that the Guidelines are intended to be just that – voluntary best practices with no mandate for registry operators, the BC believes that all Registry operators offering IDN labels should incorporate the Guidelines as part of their best practices to ensure consistency and to support the overarching goal of ensuring that IDNs do not undermine the security, stability, and resiliency of the DNS.

We comment specifically on Sections 2.3, 2.4, and 2.5. Additional, the BC suggests that the UASG should develop a good practices document showing examples of mitigations proposed for section 2.4 and 2.5 discussed below.

Section 2.3

The BC supports the Guidelines in Section 2.3 aimed at ensuring consistent IDN tables and practices, and calling upon IDN registry operators to "collaborate on issues of shared interest, for example, by forming a consortium to coordinate contact with external communities, elicit the assistance of support groups, and establish global fora to address common current and emerging challenges in the development and use of IDNs." We believe the global business community would be able to provide valuable input into such discussions, and our international constituents look forward to being included in such discussions going forward.

We also support the text in Section 2.3 that states that "registries seeking to implement IDN Tables (i.e. new or modifications of existing ones) that pose any security and/or stability issues must not be implemented." We suggest that the meaning of "security and/or stability issues" in this context should

include the risk of increased DNS abuse posed by malicious activities such as spam, malware, and phishing.

We also support Section 2.3 language which states: "TLD registries offering registration of IDN labels with the same language or script tag (RFC 5646) are encouraged to cooperate and contribute toward the development and update of the Reference Second Level LGRs with the goal of minimizing the difference between the reference LGRs of that language or script and the implemented IDN Tables for the same language or script." We believe it is important to ensure that all IDN labels in the same language or script are uniform across the DNS, to reduce the possibility of variations being used to cybersquat or conduct other abusive activities.

Section 2.4

In a similar vein, we agree with the Guideline in Section 2.4 that requires IDN Variant Labels to be allocable only to the same registrant as the primary IDN label. From a consumer protection standpoint, we support the principle of minimizing IDN variant label allocation in order to reduce the possible universe of abuse. We recommend narrowing the potential exception to this principle *where a language and/or script have "established conventions"* with further detailed criteria for those conventions. As currently stated, the exception seems overly broad and potentially threatens to swallow the rule limiting IDN Variant Label allocations.

Section 2.5

We also support Section 2.5.1 calling on registries to implement policies to minimize IDN label confusion within the same script arising from the use of homoglyphic characters. As we have seen in non-IDN domain names, certain bad actors have taken advantage of homoglyphic character sets to mimic trademarks in order to conduct cybersquatting, infringement, phishing, and other malicious activities (e.g. registering and using a domain name like paypa1.com to mimic paypal.com, or ɢoogle.com to mimic Google.com, with the "ɢ" in <ɢoogle.com> representing Unicode character 0262 ("Latin Letter Small Capital G"). *See Google Inc. v. Popov Vitaly,* UDRP Claim Number: FA1612001710030 (Feb. 16, 2017).

For similar reasons, we also generally agree with the point in Section 2.5.2 which states: "In the case of any exceptions made allowing mixing of scripts, visually confusable characters from different scripts must not be allowed to co-exist in a single set of permissible code points unless a corresponding policy and IDN Table is clearly defined to minimize confusion between domain names." However, only limited exceptions should apply to mixed scripts, which, from a consumer protection standpoint, seem to lack any significant legitimate use. On its face, the appearance of the Cyrillic letter "slovo" amidst a word written in entirely Latin characters seems wholly intended to mimic the letter "c" in the English alphabet (e.g. registering and using a domain name like coca-cola.com to mimic coca-cola.com). Alternatively, similar IDN Variant Label rules be applied to mixed script IDN labels – in other words, that variants using mixed scripts either all be allocable only to the same registrant or be blocked.

We also support Section 2.5.3 which encourages registries to "apply additional constraints on registrations that minimize Whole-Script Confusables." Again, from a consumer protection perspective, minimizing the likelihood of multiple confusingly similar variations of an entire IDN label is necessary to mitigate the chance of such labels being used for nefarious activities.

Conclusion

In general, the BC supports the increased use of IDNs by registry operators, but registry operators should adhere to the IDN Implementation Guidelines as part of their best practices in order to minimize the risk of confusion and to maintain the security, stability, and resiliency of the DNS. We appreciate the community's consideration of these comments.

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This comment was drafted by Andy Abrams, Paul Mitchell, and Olga Yaguez.   It was approved in accord with our charter.