Observations and Comments on the Discussion of IDN TLDs in ICANN

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While the legitimacy and accountability of the Internet Corporation for Assigned Names and Numbers (ICANN) has been questioned from its inception, ICANN has also produced some policy outputs as byproducts. These include UDRP, generation of a few new TLDs, the framework of accountability between ICANN and ccTLDs, and other minor policies on domain name registration. For the last decade, ICANN has held tough discussions on some policy issues but has not reached consensus. New TLD policies are one of the most important such issues.

IDN TLD is an interesting and also frustrating issue, particularly for non-English-speaking people. I was not concerned about IDN TLD issues until I started to participate in ICANN discussions. My knowledge of the technical aspects of domain name operations is extremely limited. Nevertheless, as a non-English-speaking user, I have felt that I have something to say on these issues, and sometimes I have made comments on them through ICANN public comment sessions or TF discussions and domestic discussion meetings on IDN policies. IDN issues are a practical concern for Internet users who hope for the convenience of using their local language scripts. This has been a concern of most non-English-speaking users, providers, and even governments.

In spite of this, IDN TLD has not yet been launched. Many explanations for this have been given. Technical standardization was the first barrier we should have overcome, but in 2003, IDNA's punycode-based scheme became a standard for IDN strings. Technical reviews are still going on within IETF. A second problem was who determines IDN TLDs and how IDN generation policies are developed and implemented. Later these questions were resolved in a way that IDN TLDs are simply considered new TLDs and integrated into new TLD generation policies.

There have, however, been different ideas on IDN generation policy, particularly on the part of non-English-speaking people. First, many people argued that IDN issues are issues of language and cultural diversity-and thus, that different domain names should be available for different languages and should be developed and managed by the different language communities in coordination with each other. Proponents of this approach felt that such a coordination mechanism should be separate from the existing

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ICANN structure, because they felt alienated from and ignored by ICANN's decision-making process.

Attempts have been made in MINC and some Middle East countries to develop such a separate coordination process, with the thought that the new coordinating body could cooperate with ICANN. Proponents did not believe that this work should be undertaken within ICANN, because they did not believe that ICANN had the capacity, expertise, resources, or motivation to handle language issues appropriately. In fact, it seemed that handling IDN issues separately would ensure and encourage real participation by non-English-speaking stakeholders, because this would give them more voice and more decision-making power than they would have in ICANN.

ICANN considers itself an international body. But it is dominated by ASCII-script interest groups at the expense of non-ASCII groups. Most non-English-speaking users cannot understand why ICANN does not address concerns about non-ASCII domain names when the Internet is globally used. However, ICANN has always said that the technical aspects of the domain name issue take priority and that technical standardization is necessary even in the case of IDNs. International interoperability and Internet stability have always been emphasized.

Nevertheless, in most other countries, even technical engineers do not understand why the IDNA standard is 7-bit based, even though 8-bit solutions are generally accepted in today's multilingual Internet world. The 7-bit solution was legitimized due to its backward compatibility—in other words, ASCII script was originally developed in a 7-bit scheme, and if this were to be changed abruptly, it could lead to confusion or to an unstable environment for domain resolution. But even after IDNA adoption as a technical standard for IDNs in IETF, ICANN has never suggested the possibility of IDN TLD generation.

A change of attitudes toward IDN TLD generation in ICANN was brought about immediately after two WSIS events in 2003 and 2005, where the monopoly of the United States in managing global Internet addressing resources was heavily criticized. Vint Cerf responded that ICANN would seriously consider the introduction of IDN TLDs in 2005 or 2006. Since that time, the question of how to introduce IDN TLDs has been discussed in many ways among stakeholders. GAC, ccNSO, and even GNSO constituencies have discussed these issues.

The debate within ICANN on IDNs has been flawed in two ways. First, the IDN TLD issue is treated as just one part of the larger new TLD policy issue. Second, it is separated, as it should not be, into two categories: IDN gTLD issues and IDN ccTLD issues.

As mentioned earlier, IDN concerns grew out of the needs of end users who have wanted to use their own language script for names on the Internet; this is definitely a

demand-side requirement. There is also a trademark issue: a domain name can be seen as functioning like a mark or label because it is a language expression, not just technical sign. If we assume that IDN should be available, we should regard the needs of non-ASCII users, including language concerns. However, the new TLD generation process that ICANN is now designing does not have a process for allowing such language communities' interventions. As far as I know, such concerns can only be handled in selection process of beauty contest as one part of consultation from some language-related consulting agencies. Language communities' serious concerns have been reduced to simply one function of consulting service agencies.

Developing a new TLD policy has been an ongoing assignment of ICANN, mandated by the U.S. DoC in Joint Agreement and in the past in Memorandum of Understanding (MoU). ICANN has focused mainly on two policy issues: how to achieve effective competition in a domain-name market dominated by Verisign, and how to deter the abuse of new TLDs for the purpose of appropriating trademarks or their equivalents.

IDN concerns are quite different from these two issues. For non-English-speaking Internet users, competition in the domain-name market is not a top priority; they are more concerned with the lack of domain names in local language scripts. This is not a competition issue but a nonmarket issue about the needs of users. It is not a TLD issue but a separate IDN issue about linguistic diversity in domain names. Regarding trademark concerns, most non-English-speaking users believe that local-language name problems and disputes can be more effectively handled by local-language-using people and communities, not by ICANN, which lacks expertise in language diversity.

IDN gTLD and IDN ccTLD separation is also a very strange approach. What are ccTLDs? By definition, they are two-character ISO-3166 country code schemes reserved for local communities. Their function is to effectively exclude each country's intervention in challenging the proposal of new TLD strings in beauty contest. This point had been repeatedly emphasized in new TLD discussions. Then what is the definition of gTLDs? They are everything else except for ccTLD strings. All other strings, in principle, can be new TLD strings.

A country's name, written in its own local language - which is IDN ccTLD - is not always attractive in terms of users' utility because there is often duplication, particularly when a local territorial border is equated with the language script zone; Korea is a typical case. However, the IDN string responding to a country's name could threaten an existing ccTLD administrator's interest because it could compete in the same market. This point was the major concern of ccTLDs and ccNSO. Unfortunately, ccTLD administrators' concerns are not exactly that of language communities at large and do not fully reflect end users' concerns in dealing with IDN issues. They share registry

interest with registry interest group rather than users' interest.

The separation of IDN ccTLD and IDN gTLD, and the provision of some rights particularly for IDN ccTLDs for the part of the local Internet community is, I think, a strategically sophisticated approach, which effectively excludes those communities' intervention with the selection process of other IDN TLDs because those belong to the IDN gTLD category. However, most users' concerns are not IDN ccTLDs; unfortunately, ICANN's existing structure does not have an appropriate representation mechanism for this kind of input. As far as I can recall, only a few useful and significant comments on the IDN issue have been given, and only by NCUC representatives, particularly on the trademark issue, arguing against applying the "confusing similarity" principle to new TLD strings.

At present, issues remain, such as the three-character limitation for TLDs and procedures for excluding geographical location names. IDN introduction is basically a concern of the business interest group, because general users and consumers will not have significant concerns about it before it starts to provide practical services. Moreover, general users lack the time and financial resources to be able to focus exclusively on name-related issues. I believe that is the fundamental reason that the users' representation should be balanced with commercial stakeholders' representation. Currently, IDN-related debates in ICANN are dominated by potential bidder's concerns rather than end users' concerns.