21 October 2013

Olivier MJ Crépin-Leblond

Chair, At-Large Advisory Committee

Re: At-Large Statement on the Confusingly Similar gTLDs

Dear Olivier,

On behalf of the New gTLD Program Committee of the ICANN Board (NGPC), I thank you for the “At-Large Statement on the Confusingly Similar gTLDs,” dated 16 September 2013.

The NGPC respectfully acknowledges the ALAC comments concerning (1) applications for singular and plural versions of TLD strings and (2) the recent String Confusion Objection determinations made by expert panels.

**Applications for singular and plural versions of TLD strings**

The Applicant Guide Book (AGB), including the String Similarity Review, was developed over several years through multiple rounds of public comment. The result of this bottom-up discussion is that the String Similarity Review conducted during Initial Evaluation was limited to visual similarity. The AGB defined the standard to be used for String Similarity evaluation as: “String confusion exists where a string so nearly resembles another visually that it is likely to deceive or cause confusion. For the likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that a string brings another string to mind, is insufficient to find a likelihood of confusion.” The AGB allows for the String Similarity panel to apply this standard in its review. The String Similarity Review Panel, consisting of linguistically and culturally diverse experts, followed the guidelines provided in the AGB and determined that singular and plural versions of the same string would not present probable confusion based on visual similarity.

As noted in the At-Large Statement, the GAC Beijing Communiqué stated, “The GAC believes that singular and plural versions of the same string as a TLD could lead to potential consumer confusion,” and advised the ICANN Board to reconsider the decision to permit the existence of singular and plural versions of the same string as TLDs (<http://newgtlds.icann.org/en/program-status/correspondence/gac-to-board-11apr13-en.pdf>). On 4 June 2013, the NGPC adopted the “NGPC Scorecard of 1As Regarding Non-Safeguard Advice in the GAC Communiqué,” and accepted the GAC’s Advice to consider whether to allow singular and plural versions of the same string (<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm#1.a>). At the 25 June 2013 meeting of the NGPC, “after careful consideration of the issues, review of comments raised by the community, the process documents of the expert review panels, and deliberations by the NGPC, the NGPC [has] determined that no changes [were] needed to the existing mechanisms in the Applicant Guidebook to address potential consumer confusion resulting from allowing singular and plural versions of the same string” (<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.d>).

**String Confusion Objection determinations made by expert panels**

At its 10 September 2013 meeting, the NGPC engaged in a discussion about community comments on the difference in determinations of the expert panels evaluating String Confusion Objections (<http://www.icann.org/en/groups/board/documents/prelim-report-new-gtld-10sep13-en.htm#2.a>). This topic was discussed further at the NGPC meeting on 28 September 2013 (<http://www.icann.org/en/groups/board/documents/agenda-new-gtld-28sep13-en.htm>). The NGPC encourages the ALAC to continue to monitor the ICANN Board Meetings page (<http://www.icann.org/en/groups/board/meetings>) for details regarding meetings notices, agendas, and actions of the Board and its committees.

**In their ongoing deliberations, the NGPC and the ICANN Generic Domains Division will continue to monitor the objection determinations made by expert panels as well as continue to consider the issues raised by the “At-Large Statement on the Confusingly Similar gTLDs”.**

Once again, the NGPC wishes to thank the ALAC for its valuable input and continued participation in ICANN’s multi-stakeholder process and hopes that the information provided in this letter is helpful.

Best regards,

Cherine Chalaby

Chair, New gTLD Program Committee