

Public Consultation Document:

The release of Internationalised Domain Names (IDNs)

February 2016



This consultation document has been issued by the Policy Advisory Committee of the IE Domain Registry Limited (IEDR), in its capacity as adviser to the board of the company in relation to policy matters. IEDR is the active registry operator of the .ie country code top-level domain (ccTLD) for the island of Ireland.

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1. Introduction

1.1 Background

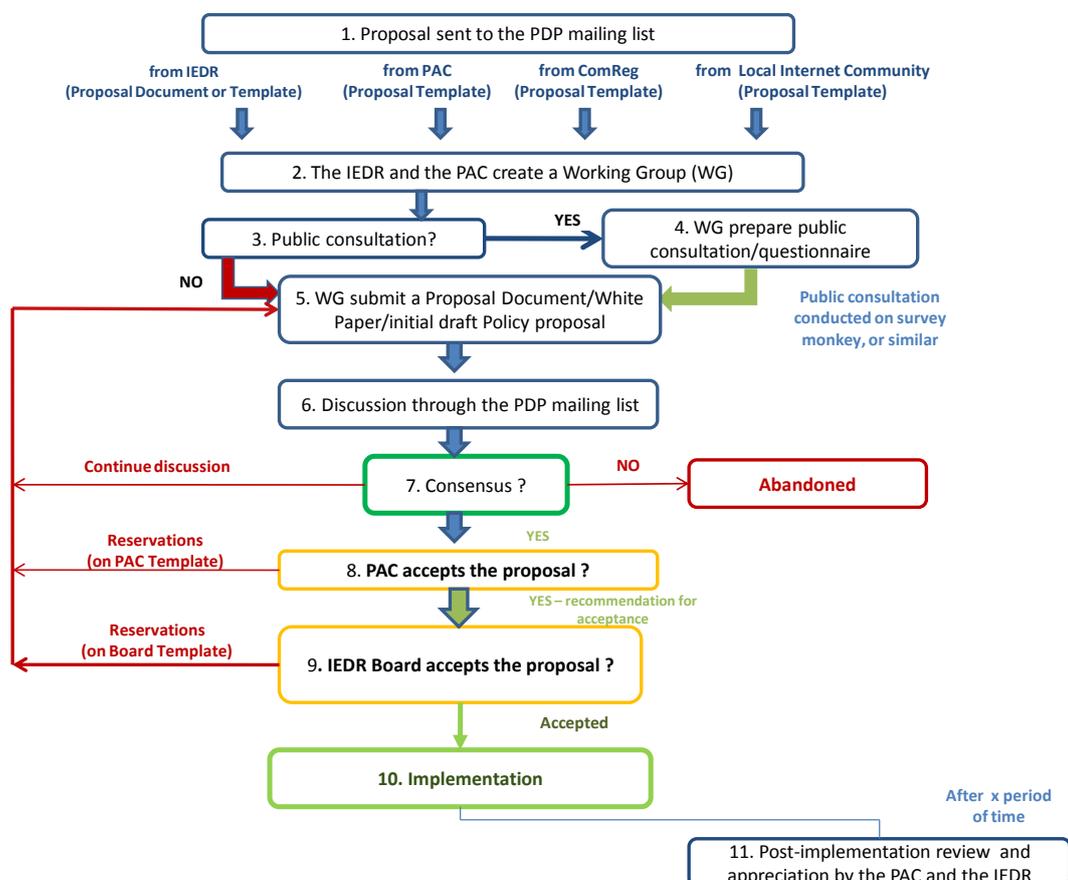
IE Domain Registry Limited (IEDR) is the body responsible for the management of the .ie namespace, ensuring that all applicants for .ie domain names have a verifiable connection to Ireland, and also possess a valid claim to the particular .ie domain they wish to obtain.

The IEDR's mission is to provide unique, identifiably Irish domain names, along with registry, and related services, to the local, and International, Internet community.

There is a formal policy development process for the .ie namespace, which was developed by the IEDR, and has been in effect since May 2012.

This policy development process is designed to be bottom-up and consensus-driven, meaning that any stakeholder can request a policy change and, if there is consensus among stakeholders, the policy change can be implemented.

Since its implementation, policy change requests have followed this 10 step policy development process (PDP), as outlined below:



In 2014, the IEDR established a Policy Advisory Committee (PAC) to consider, and provide, advice on policy change requests concerning Ireland's Internet top-level domain, .ie.

The Policy Advisory Committee operates in line with the Policy Development Process (PDP) and consists of stakeholders with a vested interest in the .ie namespace, and its policies. This Committee meets on a regular basis to discuss any proposed policy changes and, where consensus exists, to implement a policy change; the PAC works to find the most appropriate release mechanism for such changes.

1.2 What policy changes are being proposed?

In February 2015, the PAC recommended that the registration of Internationalised .ie domains should be allowed, and that the Registration Policies (specifically - Section 3.1) should be altered to permit this.

This recommendation was issued within the context of the decisions, and actions, of a number of other Country Code Registries (ccTLDs), that released such domains for registration in recent years, such as DNS.pt, which manages the .pt namespace, and Afnic, which manages .fr, amongst other namespaces.

The decision to modify this policy has come about in response to a perceived level of demand for IDNs amongst the Irish Internet Community, particularly as their introduction would allow for the registration of .ie domains in the Irish language.

On consideration of the fact that the IEDR is tasked with the management of the .ie namespace, the introduction of IDNs would seem appropriate, particularly in view of the right that exists under the Irish Constitution for all people to conduct their business with the State through Irish, if they wish to do so.

Additionally, the introduction of IDNs would allow Irish language speakers to conduct their business, and other online activities, through Irish, more effectively. As such, their implementation would allow individuals with Irish personal names, containing the fada, to register the correct spelling of their name, and would also enable Governmental Departments / Local Authorities, businesses, trademark holders etc. to obtain a domain in Irish that accurately reflects, and relates to, their activities.

As the technical complexities associated with the release, and implementation, of IDNs have become better understood, adapted to, and in some cases, removed entirely, the release of these domains has become more widely permitted across the globe.

Through the framework of the IEDR's Policy Development Process (PDP), the PAC decided that a Development Group would be set up to build consensus on the best way in which to introduce these new domains to the .ie namespace.

After careful consideration, the PAC has decided that a special approach for the release of IDNs is necessary, in order to ensure that they are released in a fair, equitable, and transparent manner. The proposed release methods have been outlined in detail in Section 3. The issues considered are summarised in Section 4 of this document.

1.3 Invitation to participate in this consultation

In light of the work done by the Development Group, along with the PAC, and the IEDR, we feel that it is important to ensure as many perspectives as possible are heard, and taken into consideration when reviewing these proposed changes.

As such, we would like to open discussion on these matters to the public, over a 30 day Consultation Period.

During this time, all interested parties are asked to provide any feedback, or comments, which they feel should be taken into consideration, with regard to these proposed policy changes, and suggested release mechanisms.

Stakeholders, such as registrants, registrars, the wider internet community (including representatives from the business community, public authorities, consumer organisations), and others, are asked to engage with this process, so that the review of the policy change, and its proposed release mechanisms, can be comprehensive, and ensure consideration is given to all opinions.

If you are happy to do so, please provide a brief note about the type of organisation you represent, or interest you have, when submitting feedback. Please also note that any comments provided may be published in further reports relating to the policy change and its release, however, personal information will be excluded.

We understand that the proposed release will be of particular interest to the Irish Internet community, and feel that it is of significant importance that the views of all interested parties are taken into account when reviewing the decision further.

All submissions should be provided to iden-consult@iedr.ie from February 21st, 2016, until March 21st, 2016.

A summary report on this consultation's findings will be released after the process has ended, and will summarise the categories of responses received, along with the intended course of action to be taken by the PAC in relation to this feedback.

2. Executive Summary

This document outlines the proposed policy change alteration required to permit the registration of IDNs. (See Appendix III for the policy change template.)

The proposed “phased” release mechanisms are:

Sunrise

- This phase will run for 30 days, and will be used to provide trademark holders with the opportunity to register Internationalised .ie domains that correspond **exactly** to a

protected right, which will reduce the likelihood of cybersquatting and brand infringement.

- Premium pricing will apply (prices to be determined and announced at a later date).
- Instances where multiple applications are made for a single IDN will be resolved using an auction platform, with trademark holders being granted access by the IEDR Registrations Department, once their eligibility has been verified.

Landrush

- This secondary 30 day phase will begin after Sunrise has been fully completed, and will allow existing .ie registrants who hold domains in the Irish language, but which were registered without the inclusion of the fada, will be permitted to apply for the correct Irish language version of their current domain (e.g. registrant of failte.ie, will be permitted to apply for fáilte.ie).
- The objective of this phase is to allow any existing .ie registrants to register the correct version of their current Irish language domain registration.
- Premium pricing will apply (prices to be determined and announced at a later date).
- As all domain registrations are unique, only one possible, eligible applicant will exist for this phase (as applicants must already hold the exact domain registration they are applying for, just without the inclusion of the fada).
- In view of this, all applications will be processed on a first come, first served basis. The domains will go live at the end of the 30 day process.

General Availability

- Once Landrush has been fully completed, any remaining Internationalised .ie domains will be released on a “First Come First Served” basis, as per normal registration procedures within the IEDR.
- All applicants are required to satisfy the registration criteria, e.g. provide proof of identity / trading, connection to Ireland, and claim to the domain.

3. Proposed Release Mechanism

It is proposed to alter the Registration Policy to allow for the registration of Internationalised .ie domains, as the technical, administrative, policy and legal reasons for their restriction from registration no longer apply.

Accordingly, applicants will be able to apply for domains which include the following characters:

á	é	í	ó	ú
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- **Exception:** The IEDR, through its responsibilities of managing the .ie namespace, may restrict a small number of these IDNs from registration, on the grounds of avoiding consumer confusion, or ones that they may be used for future commercial purposes by the Registry.

In the interest of fairness, and to restrict instances of cybersquatting, it is proposed to have a controlled, phased, release mechanism, as outlined below:

- **Sunrise:** Applications will be accepted from holders of registered trademarks, which must be identical to the IDN being applied for. Premium pricing will apply, with prices to be determined and announced at a later date.
- **Landrush:** Domain names not taken up in the first round will then be open to existing .ie registrants who hold domain registrations in the Irish language, but that are missing the inclusion of the fada. Domains will be available on a first come, first served basis during this phase as only one eligible will exist under the registration criteria associated with this phase.
- **General Availability:** Domain names, not registered in the earlier phases, will then be open to the general public for registration.

3.1 Proposed Sunrise

- **Timeframe** - Sunrise will begin on a “to be determined” date, and finish 30 days later.
- **Eligibility** – Holders of the following trademarks will be permitted to apply under this phase;
 - Irish trademarks,
 - Community trademarks,
 - International trademarks designating Ireland and UK (For UK Trademarks – these are only accepted where the mark is held by a company which shows an Irish registrant address on the trademark database).

- All applicants will be required to provide a scanned copy of their trademark certificate / trademark number, which will be verified by the IEDR's Registrations Department.
 - Every applicant must hold rights to exactly the same name as the domain name that they wish to register.
 - All rights must have been obtained prior to July 30th, 2014.
- **Pricing** – Applications submitted via an accredited .ie Registrar will have costs set by the Registrar. Registration costs for direct customers of the IEDR will be confirmed at a later date.
 - **Contention Resolution** – Where a domain has more than one eligible applicant, an auction process will take place with the highest bidder gaining the right to use the domain.

3.2 Proposed Landrush

- **Timeframe** – Landrush will begin when Sunrise has been completed, on a “to be decided” date and will finish 30 days later.
- **Eligibility** – During this period, existing .ie registrants that hold domains in the Irish language that were registered without the correct inclusion of the fada character, due to the policy restrictions, can apply for IDNs that reflect the correct Irish language spelling of their current .ie domain name registration i.e. appears as the same domain name but includes the relevant fada(s). The domain must be available, i.e. not have been registered in the previous phase.
- **Pricing** – Applications submitted via an accredited .ie Registrar will have costs set by the Registrar. Registration costs for direct customers of the IEDR will be confirmed at a later date.
- **Contention Resolution** – None: As the registration criteria associated with this phase ensures that only one eligible applicant exists for each IDN, applications will be processed on a first come, first served basis, with domains going live at the end of the 30 days.

3.3 General Availability

Once the initial Sunrise and Landrush periods have ended, the remaining IDNs will be released for all interested parties to apply for.

- **Timeframe** – General Availability will begin when Landrush has been fully completed, on a “to be determined” date and will be the final phase of the release.

- **Eligibility** – During this period, the general public can apply for any IDNs that were not registered during earlier phases. All applicants will be required to authenticate their claim to the name and show their real and substantive connection to Ireland, which will be verified by the IEDR’s Registrations Department.
- **Pricing** – Applications submitted via an accredited .ie Registrar will have costs set by the Registrar. Registration costs for direct customers of the IEDR will be confirmed at a later date.
- **Contention Resolution** – None: Applications will be processed on a First Come First Served basis, with the usual 27 days allowed to complete the registration requirements. Only one application for a domain can be received by the system at a time.

4. Release Scenarios – current consensus

The recommendations set out above have been arrived at after generating consensus amongst the PAC’s eligible organisations on many release related issues, the most important of which include:-

- Phased release mechanism, or the use of a onetime only “big bang release”
- Basis for resolving contentions between multiple applicants
- Rights holder’s claim to a name
- Dispute resolution mechanisms

The reasoning and decision criteria considered are set out in the PAC meeting minutes, available to download from the IEDR’s website, [here](#).

4.1 Phased Approach

On the basis of discussions amongst the PAC and the Development Group to date, there was consensus that a “phased” registration process would be the most appropriate mechanism for the launch of IDNs, and this will be actioned on a cost recovery basis. The aim of this approach is to ensure the release is fair, equitable and transparent for all stakeholders.

It is proposed that the first registration period will be solely for trademark holders, allowing them to obtain domains that exactly reflecting their trademark name. This process will be known as Sunrise. This decision is in line with international best common practices for TLD’s.

Sunrise Phase

The Sunrise Phase is expected to run for a period of 30 days, during which time no applications will be rejected, e.g. - all applications will be initially received, evaluated and replied to.

There was consensus that this phased method of release will reduce the likelihood of disputes arising after registration, as those with a registered and protected right will have the opportunity to protect their brand from infringement, before such domains are released on a General Availability basis.

Landrush Phase

It is proposed that the second registration period will be open to existing .ie registrants who have registered domains in the Irish language, without the correct inclusion of the fada character due to the limitations of the current policy.

These existing registrants will have the opportunity to register the version of their current .ie domain name registration with the correct inclusion of the fada, prior to General Availability and this process will be known as Landrush.

This phase is expected to run for a period of 30 days after Sunrise has been fully completed, and applications will be accepted on a first come, first served basis, going live at the end of the phase.

It was decided not to permit the translation of existing .ie domain registrations in the English language into Irish, during this phase.

4.2 Auctions - basis for resolving contention among multiple applicants

In cases where multiple applicants apply for a single domain name during the Sunrise period, these instances will be resolved by the use of an auction process, which will be used to determine the successful registrant of the domain. It was agreed that an auction process was a superior mechanism, as opposed to a lottery option. This decision is in line with international best common practices for TLD's.

Eligible applicants from Sunrise, i.e. those that hold a trademark which corresponds to the exact domain name being applied for, will be provided with access to the auction by the Registrations Department in the IEDR, after the applicant has satisfied the registration criteria.

This method will allow the most “motivated” applicants to obtain the desired IDN during Sunrise, and any additional funds raised via this process will be given to a worthy internet cause in Ireland, after related auction setup fees have been covered.

NOTE: Post-auction issues are not expected, as applicants will have already undergone pre-authentication of their claims.

4.3 Rights holders' claim to the name

Trademarks to be accepted under the Sunrise Period

The following trademarks will be accepted during Sunrise:

- Irish Trademarks
- Community Trademarks
- International trademarks designated for Ireland or UK (For UK trademarks, these are only valid where the trademark holder address is listed within the Island of Ireland on trademark database).

Landrush Registration Requirements

For Landrush, it was decided that existing .ie Registrants holding domains in the Irish language, but which were registered without the correct inclusion of a fada due to policy limitations, could apply during this phase for the version of the current domain that included the fada.

The rationale for this was based on the fact that such registrants had a clear, legitimate claim to the version of their domain which included the fada, as registrants were most affected by the policy restrictions.

As such, to ensure such registrants could protect their brand / online interests, there was full consensus that these domain holders be given the opportunity to apply during Landrush, before IDNs were released to the wider Internet Community during General Availability.

Furthermore, it was found that there was consensus not to allow the registration of IDNs from existing .ie Registrants holding domain registrations in the English language who wished to apply for the Irish language version of this name during Landrush, on the grounds that their claim to priority registration wasn't as evident as those who had already been directly affected by the policy restrictions during registration.

4.4 Dispute resolution and Appeals

The release mechanism set out above is designed to minimise the potential for disputes. Specifically, all applicants will have demonstrated their real and substantive connection to the island of Ireland, and evidenced a claim to the .ie IDN. In addition, IDNs registered during the Sunrise Phase will have evidenced additional legal rights.

As the IEDR does not operate an informal dispute resolution process, appeals against a registration can be submitted to the World Intellectual Property Organisation (WIPO), under the terms and conditions of the formal IE Dispute Resolution Process – see <https://www.iedr.ie/dispute-resolution/>.

A complainant will have to prove that:-

- a .ie domain name is identical or misleadingly similar to a protected identifier in which the Complainant has rights; and
- the Registrant has no rights in law or legitimate interests in respect of a .ie domain name; and
- a .ie domain name has been registered or is being used in bad faith.

Complaints are not decided on by the IEDR, but by an independent and impartial panel of one to three experts appointed by the World Intellectual Property Organisation (WIPO).

5. Participation in the Public Consultation Process

The Public Consultation period is now open, and will run for 30 days from February 21st until March 21st 2016.

All comments and feedback relating to the proposed policy change are welcome, and should be submitted to the following mailbox:

idn-consult@iedr.ie

All interested parties are asked to engage with this process, so that the review of the policy change and its proposed release mechanisms can be comprehensive, and ensure consideration for all opinions is taken into account during the decision making process.

If you are happy to do so, please also provide a brief note about the type of organisation you represent, or interest you have, when submitting feedback. Please also note that any comments provided may be published in future reports relating to the policy change and its release, however, personal information will be excluded.

6. Appendices

Appendix I

A list of PAC members and their “eligible organisations” can be found in the Policy Advisory Committee Terms of Reference, available [here](#).

Appendix II

The Policy Development Process of the .ie namespace is illustrated and detailed [here](#).

Appendix III

Policy Change Template submitted to PAC for review relating to permitting the registration of Internationalised .ie domains.

Policy change proposal / New Policy proposal	
1	Proposal Originator (<i>name: email: telephone: organisation</i>) David Curtin, CEO, IEDR dcurtin@iedr.ie
2	Date: July 2014
3	Policy Proposal Name: To permit IDN domains (fadas on the vowels – á, é, í, ó, ú) (IDN = internationalised domain name).
4	Policy Proposal type: <i>new, modify, or delete</i> Modify existing policy
5	Purpose and benefits of the proposal : <i>Please state the benefits of your proposal</i> <ul style="list-style-type: none"> ➤ The purpose of IDNs for Ireland is to provide .ie domain names in the national language, Gaelic. ➤ The benefit of IDNs for Ireland is to provide localisation of domain names in web browsers and to further increase availability of the .ie country code top level domain name.
6	Please indicate any perceived problems (issues you envisage) <ul style="list-style-type: none"> ➤ IEDR does not envisage objections to the relaxation of the policy per se. ➤ There are alternative scenarios for the scheduling of the release for registration and this could generate some alternative preferences from stakeholders eg the operation, or duration, of a sunrise period (to allow existing .ie domainholders, or rights holders, to register the Irish variant of their English-language .ie domain name).
7	Policy proposal grounds: <i>please indicate the reasons for your proposal (what is wrong/missing/inadequate etc. with the status quo?)</i> <ul style="list-style-type: none"> ➤ There is no longer any technical issue/reason to retain the restriction on IDNs. ➤ There is anecdotal evidence that Registrars and their customers desire the Irish variant of their English language .ie domain names.
8	Policy term proposal: Permanent
9	Policy statement/text: <i>Current Policy Text (if modification):</i> Section 3.1 of the Naming Policy states, inter alia, that “IEDR will not accept the following domain names for registration. <ul style="list-style-type: none"> ➤ ➤ Names that consist of characters other than "a-z", "A-Z", "0-9" and "-", or that start or end with "-" (as recommended in RFC 1035, published on the web site of IEDR).; ➤ Names that do not contain letters from a single script only; ➤" <i>New Policy Text</i> The two bullet points above would be removed from the Naming Policy, if there is stakeholder consensus on this policy change request.

Appendix IV: Frequently Asked Questions

What are Internationalised domains?

Internationalised domain names allow for the registration of domains which include non-standard ASCII characters, such as the inclusion of the fada, which is used on vowels in the Irish language.

Such domains are not currently permitted under the registration policies of the IEDR; however, if this policy change is implemented, it will provide applicants with the opportunity to register domain names in the Irish language for the first time.

What is the current situation, and why were these domains restricted until now?

The decision to remove the restriction on the registration of Internationalised .ie domains was taken in light of the following:

- There are no longer any unique technical complexities associated with their implementation in the .ie namespace.
- A number of other namespaces at the Country Code level (ccTLDs) have begun to allow the registration of such domains.
- There is perceived, potential demand for these domains amongst the Irish Internet community.

What changes are proposed?

Section 3.1 of the IEDR Naming Policy will be altered to permit the registration of Internationalised .ie domain names, which are currently prohibited.

The IEDR Naming Policy is outlined at the following URL:

<https://www.iedr.ie/p30/naming-policy/>

Why should I apply for an Internationalised .ie domain name?

A .ie Domain Name:

- Lets customers know that you are identifiably Irish,
- Is verified - provides your customers with the confidence and knowledge that they know who they are doing business with.
- Is safe - one of the safest namespaces in the world, with lower instances of cybercrime and cybersquatting than other domains extensions.
- Allows people, businesses, Government Bodies etc. to conduct their online activities in the Irish language.
- It's your name in Irish.

With .com domains, anybody can register any domain name they choose, provided it is not already taken. In contrast, .ie requires a connection with the island of Ireland, along with a legitimate claim to the domain name being applied for.

Every .ie registration is checked by the IEDR's Registration Services Team to ensure that all applicants meet our requirements.

How can I apply for an Internationalised .ie domain name?

In due course, applications will be accepted via the same channels .ie domain name requests are currently received – through any accredited .ie Registrar, or as a last resort, directly through the IEDR.

Further information on the current registration process can be found at the following URL:

<https://www.iedr.ie/register-a-domain/how-to-register-a-ie-domain/>

How will these domains be made available, and when can I apply?

Internationalised .ie domain names will be released on a “phased” basis, depending on certain registration criteria.

The three stages will be:

1. Sunrise Phase
2. Landrush Phase
3. General Availability

What is Sunrise?

The initial registration period will be known as a **Sunrise Phase**, and this will run for 30 days. During this phase, Trademark Holders will be given the opportunity to apply for the Internationalised .ie domain name that exactly matches their protected right / trademark.

What Trademarks will be accepted?

Trademarks accepted under Sunrise will include:

- Community Trademarks,
- Irish Trademarks,
- International Trademarks designating Ireland, or UK (only where trademark holder address on trademark database is listed as a physical Irish address).

What happens if multiple applications are received for a single domain name during Sunrise?

In cases where more than one eligible trademark holder applies for a particular domain name during Sunrise, the matter will be decided by **auction** amongst the eligible parties. The auction will be operated by an independent Auction house, and the winning / highest bidder will be the successful registrant.

What if I don't have a trademark but want to protect a particular Internationalised .ie domain name?

If you do not hold a trademark that corresponds exactly to the IDN you wish to obtain, you can still apply for that domain during the **Landrush (if you are an existing registrant) or**

General Availability Phases, provided the domain isn't registered by another applicant during an earlier phase.

What is Landrush?

Landrush Phase will begin after the Sunrise Period has been fully completed, and will run for 30 days also.

This phase will allow for existing .ie registrants holding domains in the Irish language to apply for the version of their domain which includes the fada character, provided the IDN was not registered during Sunrise. These domains will be released on a "First Come, First Served" basis.

Can I sell the IDN in the future, if I don't want it anymore?

The PAC has recommended to the board of the IEDR that the current policy should be changed to permit .ie domain names to be sold in the aftermarket/secondary market. Until the policy change and modus operandi has been approved, it will not be possible to sell the right to use any .ie domain.

What will happen with the auction sale proceeds?

It is expected that the organisation, marketing and setup of the auction facility, with an auction platform, will be costly as fees or commissions will apply. Funds from auction sales will initially cover these costs. Any surplus auction proceeds will be ring fenced and gifted to worthy Internet causes such as education, closing the digital divide, relief of financial hardship or protection of Irish citizens in the area of the Internet.

Why are some Internationalised .ie domain names restricted from registration?

The IE Domain Registry Limited, through its responsibilities of managing the .ie namespace, intends to restrict the release of a small number of IDNs on the grounds of possible commercial use by the Registry in future, or on the basis that the registration of such domains could be misleading to the Internet community, or cause consumer confusion / damage the credibility and reputation of the Registry.

What can I do if the domain I require was registered in an earlier stage of release?

As all registrants are required to provide relevant supporting documentation during the application process to verify their claim on a domain, along with their connection to Ireland, and proof of identity / trading, all .ie domains are registered in accordance with our policies. As such, the IEDR does not use an informal process for dispute resolutions.

However, in cases where a party believes that a .ie domain name was registered incorrectly, in bad faith or infringes upon a protected right, a complaint can be lodged to the World Intellectual Property Organisation (WIPO), however, the Complainant must be able to show that he or she has a right to the domain and the incumbent Registrant does not.

It should be noted that complaints are not decided on by the IEDR, but by an independent and impartial panel of one to three experts appointed by the World Intellectual Property Organisation (WIPO).

Further information on the Dispute Resolution Process can be found at the following URL:

<https://www.iedr.ie/dispute-resolution/>

How can I participate in the Public Consultation process?

The Public Consultation process is now open, and will run for a period of 30 days from February 21st 2016 to March 21st 2016.

All comments and feedback are welcome, and should be submitted to the following email mailbox:

ids-consult@iedr.ie