Voting Statement Regarding New gTLD Program Committee Resolution 2013.06.25.NG07
(Singular/Plural New gTLD Strings)
July 26, 2013

The Board Members listed below voted in favor of this resolution with the understanding that the resolution presented the most feasible and best solution under some very limiting and constrained circumstances.   While user confusion may occur, the Applicant Guidebook and the process of string similarity review rely on a standard of visual similarity rather than a broader standard of similarity. The effect of the previously agreed upon visual similarity standard limits the ability to consider other types of similarity that might emerge such as the relationship between plural and singular versions of the same word. At this point in time the resolution presents the most feasible immediate alternative. As user experience and the new TLDs roll out it is important to monitor situations of user confusion and be prepared to consider and apply alternative solutions to this issue.

The central issue in resolving this reconsideration is that the string similarity panel was given terms of reference that did not include instructions to consider that user confusion could result from more dimensions than just visual similarity. As a result, the review did not find a possibility of user confusion between certain strings applied for in both singular and plural forms, because visually they are clearly different. However, the standards set in the applicant guidebook make no mention of singular vs. plural forms, thus the string similarity panels were provided with a narrow mandate restricted to visual similarity. We are asked to reconsider the results of the review panels with the given factor of a visual, and not a broader, standard. Under such a circumstance we can only conclude that the panels correctly applied the standard supplied to them.

In addition, it appears that the panels were somewhat constrained from considering necessary changes to the standard or recommending any review of the standard. It simply was not their function. The panels were not instructed to evaluate the standard but rather to apply it to the best of their ability. Thus the circumstances restricted the panels from suggesting possible changes to their own terms of reference. Under such instructions, and in a time-constrained circumstance, it is unlikely the panels, guided by the community standards to the best of their ability, would have highlighted the need for the community to consider a broader standard.

The situation is further compounded by the fact that in several languages, some words that appear to be plurals because they have a terminal 'S' or 'ES' have in fact significantly different meanings than the same string without the terminal letters. Of course most have essentially the same meaning and are likely to lead to some level of user confusion. Separating these two classes of occurrences is non-trivial and relies upon a human understanding of the semantic content of each string within a specific cultural and linguistic context. Thus there is no automatic method of implementing the separation using a visual similarity standard. Similar problems may well exist in other languages and other character sets. Therefore, if the Committee in reassessing the issue were to declare that some singular and plural forms should be considered equivalent, it would result in a time consuming and inevitably fractious task for which there is no clearly defined authority under our present scenario and the Applicant Guidebook.

The undersigned also considered that while singular and plural forms of a number of strings currently exist as second level domains in .com and possibly in other existing registries, this is the result of the policies and business models of those registries. ICANN goals and considerations must consider the entire community, including users, and are not necessarily the same as those of existing registries, and therefore current policies of some registries are not necessarily dispositive of the plural and singular TLD issue and future results with respect to non-confusability.

Thus, given the limiting factors noted above and the fact that it is inevitable that unforeseen scenarios emerge in this experience, the undersigned feel compelled to honor the standards as set forth in the Applicant Guidebook at this time. It is important to monitor user experience and actual confusion as strings emerge onto the internet. In future rounds we will have the benefit of being informed by actual user experience and further community input. We hope that this issue and the considerations of the GAC and other community members will result in any necessary modifications for future rounds without pre-conditioned limiting factors.

George Sadowsky
Olga Madruga-Forti
Cherine Chalaby, Chair, New gTLD Program Committee