

Board Facilitated Dialogue on Closed Generics Guidance to Stakeholder Groups on Selection of GNSO Participants

Context

As discussed during the 25 August 2022 GNSO Council meeting, the GNSO will aim to contribute 6 participants in the Board facilitated dialogue, as follows:

- 1 seat from Council leadership (ex-officio)
- 1 seat from the SubPro PDP leadership team
- **1 seat from each GNSO Stakeholder Group**

It is important to note that while participants will be selected from each of the GNSO Stakeholder Groups, dialogue participants should, "...contribute as independent individuals, bringing their individual experiences and expertise, and not serve as representatives of their respective community organization(s). The participants must commit to focusing on successfully developing a framework for closed generics, even if the end product is inconsistent with the goals or priorities of the participant or the participant's SO/AC/SG/C." [quoted from the [GNSO Council Small Team Report](#)]

The GAC will also have the opportunity to fill an equal number of seats (6), bringing total participation to 13 individuals, including one member from the ALAC. The GAC may choose to appoint less than 6 members.

Invitation to Stakeholder Groups

Each GNSO Stakeholder Group is invited to select, according to their own procedures, one individual to participate in the dialogue. A Stakeholder Group can give its seat to another Stakeholder Group if it chooses to do so.

In selecting individuals, the following should be kept in mind and communicated to candidates:

- Participants should be able to demonstrate strong understanding of the subject matter. In addition, expertise in competition law, public policy, and economics is desirable.
- There is an expectation that the facilitated dialogue will avoid discussion of the "edge outcomes" (i.e., of allowing closed generics without restrictions or limitations or prohibiting closed generics under any circumstance) and individuals should be prepared to engage accordingly.
- Dialogue participants will be expected to participate in developing and agreeing to a set of shared commitments that they make to one another and to the process. All participants will be expected to uphold those commitments throughout the dialogue.
- Stakeholder Groups are strongly encouraged to select participants who are available to travel for a two-day in-person session for the facilitated dialogue in November 2022, location and dates to be determined, but to the extent possible consistent with the needs and availability of

participants. While it may be possible to accommodate remote participation under extenuating circumstances, in-person participation by as many participants as possible is crucial to the facilitator's proposed approach.

Timeline

- Stakeholder Groups should aim to identify participants prior to ICANN75, so that participants can meet during ICANN75 to lay early groundwork for the dialogue.