GAC - GNSO Facilitated Dialogue on Closed Generic gTLDs Summary Notes

24 January 2023

Purpose of this Document

This document is a high-level summary of the discussions to date in the GAC-GNSO facilitated dialogue on Closed Generic gTLDs. The dialogue participants intend to provide similar periodic summaries for sharing as updates with their respective communities.

These summary documents supplement the group's meeting recordings, transcripts, mailing list archives, and draft documents which will be published at the conclusion of the dialogue, or earlier by agreement of the group. At this time, these materials are not publicly available in order to facilitate open and frank discussions within the group in pursuit of a workable solution on closed generics.

In addition to these periodic updates, all participants will have the opportunity to share the group's preliminary outputs with their community for feedback before any outcomes are finalized. From time to time the group may also agree to share stable draft documents with their community for information and feedback.

Background

The 2007 GNSO policy recommendations that the ICANN Board adopted in 2008 for a new round of gTLDs did not explicitly address the question of closed generics, viz., whether gTLDs that represent generic terms and are intended for exclusive registry access should be permitted or prohibited as a matter of policy. Consistent with the GNSO's recommendations as adopted by the Board, the Applicant Guidebook for the 2012 New gTLD Program did not contain specific guidance regarding applications for closed generic gTLDs, thus implicitly allowing them. From 2013-2015, following community discussions and feedback, including GAC advice that exclusive registry access of generic strings should serve a public interest goal, the Board's New gTLD Program Committee took action to resolve this question in relation only to the applications for closed generic gTLDs that were received for the 2012 New gTLD Program.

The New gTLD Program Committee also requested that the GNSO specifically include consideration of the issue as part of its policy work on subsequent rounds of new gTLDs. In 2021, the GNSO's Policy Development Process Working Group on New gTLD Subsequent Procedures concluded its work, but was unable to reach consensus on a policy recommendation.

The Board believes that it is important for the community to determine the policy for closed generics and is seeking to avoid determining the approach for the community. In March 2022, the Board requested that the GAC and the GNSO consider engaging in a facilitated dialogue, based on the suggested scope and parameters set out in a Framing Paper prepared by ICANN org at the Board's direction, to attempt to reach an agreed framework that would be further developed through the appropriate GNSO policy process.

For further background, a repository of Board and community correspondence on the topics of closed generics and the facilitated dialogue may be found here.

Work Method

The facilitated dialogue group is composed of six members from the GNSO, six members from the GAC, and one member with one alternate from the ALAC. A neutral facilitator from ICANN org was proposed by the Board and approved by the GNSO and GAC leadership to facilitate the discussions. At the group's request, the Board appointed two liaisons to observe the work.

Following an informal initial meeting at ICANN75, dialogue participants have since held a total of eight virtual meetings starting in November 2022. These meetings were dedicated to preparatory work for an intensive face-to-face/hybrid meeting that will take place in Washington DC, USA, from 26-27 January 2023. During this preparatory phase of work, the participants discussed and reached agreement on specific commitments to the dialogue process and to one another, in the common interest of identifying a mutually agreeable path forward to address this long standing issue. The upcoming face-to-face/hybrid meeting is closed, however notes will be published for community consumption.

Dialogue participants have also been engaging asynchronously on brainstorming exercises that were designed to identify specific, targeted issues, concerns, and commonalities that participants can use as focal points for their discussions.

Discussion Topics

A. Characterizing Closed Generic gTLDs

The facilitated dialogue group began framing the issue of closed generics by brainstorming specific circumstances they believe such gTLDs may and may not be appropriate. This provided participants with a preliminary look at areas of agreement and divergence.

The group then brainstormed what concerns, questions, fears, and other needs must be addressed as part of the path towards a solution for closed generic gTLDs. As a result of these exercises, several common themes began to emerge for further discussion. For example, participants collectively identified multiple concerns that may need to be navigated when considering closed generics, including threats to competition, consumer trust, market fairness, consumer protection, public interest, and more. The group plans to work toward a shared understanding of how to interpret these threats at its upcoming meeting in Washington DC.

The next step of the group's brainstorming work explored the unique opportunities, challenges, and characteristics of closed generic gTLDs for end users, registrants, and businesses. This exercise led participants to prepare several closed generic use cases, which highlighted specific potential benefits and beneficiaries of closed generics, as well as different models of how they could be used. The group will continue to explore the utility of these examples.

While examining the different use case examples, some participants noted similarities to existing gTLD models, such as community gTLDs and restricted gTLDs. The group plans to deliberate further on how closed generic gTLDs are distinctive from these other gTLD models.

B. Public Interest

In consideration of GAC advice on the subject of exclusive registry access, dialogue participants acknowledge that a closed generic gTLD should serve a public interest goal.

Participants put forward several ideas of what a public interest goal may entail, as well as different ideas of who the intended public should be. Some participants suggested that closed generic gTLDs should serve "the global public interest", rather than the interest of a local public or community. The group has identified that it may be necessary to distinguish between *the global* public interest and *a* public interest.

To assist in this effort, the group has referenced the Board's Global Public Interest (GPI) Framework and plans to discuss its potential applicability during their hybrid meeting. During this meeting, the group also plans to discuss the application process and evaluation criteria for closed generic gTLDs, including how an applicant may demonstrate serving a public interest.

Some participants have noted that there may be a need to discuss whether there should be distinction between serving the public interest and not harming the public interest.

C. Evaluation, Contracting, and Review

In addition to identifying what characterizes a closed generic gTLD and addressing public interest issues, participants broadly acknowledge the value of considering the criteria and/or process by which closed generic gTLDs will be evaluated, contracted, and reviewed after delegation into the root zone.

The group has agreed that a primary goal of the closed generics framework is a process that is clear, predictable, usable, and implementable. Participants have also noted the importance of accountability, and agreed that any successful applicant of a closed generic gTLD should be held accountable to operating the gTLD consistent with the agreed-upon application criteria.

The group has not yet substantively discussed what unique evaluation, contracting, or post-delegation review components should be included in the framework, however this conversation is anticipated to take place following the group's discussions on application criteria for closed generic gTLDs.

Next Steps

The next meeting of the facilitated dialogue on closed generics will take place in a face-to-face/hybrid format on 26-27 January 2023 in Washington DC.

During this meeting, participants are expected to address what is a closed generic gTLD and the question of public interest goal(s). Based on the group's discussions to date and its shared assumptions regarding the objectives of a framework for closed generics, the meeting agenda has been divided into three blocks to help build this framework:

Block 1: Application Criteria
Block 2: Evaluation, Criteria & Process
Block 3: Contracting & Post-Delegation (including Enforcement & Review)

Participants have been tasked to bring to this meeting specific questions (and possible answers to those questions) that fall under each of these framework building blocks for in-depth discussion by the group. Given the topics within each block, the group anticipates that Block 1: *Application Criteria* will take up the majority of time at this meeting.

The next summary notes document will include updates on the group's work during this upcoming meeting. The document will be shared after the meeting concludes.