

GNSO/GAC Facilitated Dialogue on Closed Generics

14 November 2022 Meeting Notes

Closed Generic (CG) Dialogue Participants continued their discussion on the Participant Commitments Google document, primarily focusing on the first two proposed commitments.

Participants discussed the following:

- Whether the summary contained in the first four proposed commitments sufficiently and accurately captures the nuances of previous GAC/GNSO/Board correspondence concerning this dialogue.
- Whether the current language stating “Most of the work will take place during an intensive two-day in-person/hybrid session” is derived from GAC/GNSO/Board correspondence and is perhaps too predictive. Recommendations included removing this language, revising it, and/or moving it to another commitment point.
- Whether the phrasing of the Participant Commitments requires this dialogue to produce an actionable outcome. While it is not explicitly stated, participants acknowledged the importance of proceeding toward this end in good faith.
- Whether the parameters of this dialogue set out by the Framing Paper are endorsed by the Board. Most participants had understood this to be the case, and this understanding was relevant to the groups’ decision to engage in the dialogue.
- Whether the two outcomes in which closed generics are allowed without restriction or prohibited under any circumstance should be considered in this dialogue. Participants noted that the Policy Development Process Working Group had discussed these outcomes extensively and failed to reach consensus. Participants discussed whether and the extent to which historical facts needed to be incorporated into the current dialogue.
- Whether the dialogue would benefit from having a Board liaison. The group understood that the Board would appoint a liaison according to its own procedures and that its request to the Board should not delay the group’s work in the meantime.
- Participation and travel funding for the ALAC’s alternate member for the in-person/hybrid meeting, in view of the group’s understanding that the ALAC will have one participant in this dialogue while needing to ensure that the ALAC would not be disadvantaged at an in-person meeting.

Participants generally came to agreement that:

1. The summary text of the Participant Commitments document should not supersede previous GAC/GNSO/Board correspondence concerning this dialogue.
2. In the interest of reaching consensus on a framework for closed generics, discussion points for which the outcome is either (1) allowing closed generics without restrictions or (2) prohibiting closed generics under any circumstance should be considered out-of-scope for this dialogue.
3. There is value in inviting a Board liaison to join the dialogue for the purposes of observation and receiving questions from participants.

ACTION ITEMS:

- Facilitated Dialogue moderator to send an invitation to the Board to appoint a CG Dialogue liaison
- ICANN org to clean-up Participant Commitments document with points of agreement thus far
- Participants to discuss the remaining Participant Commitments on the mailing list