

GNSO/GAC Facilitated Dialogue on Closed Generics 15 February 2023 Meeting Notes

In this meeting, Closed Generic (CG) Dialogue Participants discussed how to operationalize public interest requirements of a CG application in a manner that is objective, measurable and enforceable. Through a Jamboard exercise, participants first identified which general approach to the public interest they each aligned most closely with, then in two breakout groups they discussed ways to operationalize their chosen approaches.

Participants discussed the following:

- The group was presented with three approaches to addressing the public interest based on their previous discussions. The first approach used language from the GAC's 2013 Beijing Communique that "exclusive registry access should serve a public interest goal". Building on this first approach, the second approach added the further requirement that "the stated public interest should/must do no harm to the broader public interest". The third approach also built on the first, adding that "the stated public interest should/must serve a broader public interest". Participants discussed each approach and selected options 1 and 3 to elaborate on in breakout groups.
- Breakout group 1 discussed how to operationalize the first public interest approach in the application and evaluation phases for a closed generic gTLD. They first identified potential application criteria which could be objective. They then discussed a potential scoring system as a means of evaluation, attributing higher and lower scores to certain criteria, for example, the breadth of the public (local or international) being benefited.
- In response to a question as to whether being a nonprofit or for-profit organization would be factored into the scoring, it was noted that this distinction may be factored into consideration of who benefits or the credibility of the applicant's responses to other criteria, but it should not be a scored category on its own. Additionally, considering the existence of public benefit corporations and nonprofits consisting of for-profit entities, it may be preferable to focus on the function of the applicant organization rather than its structure.
- Breakout group 2 discussed how to operationalize the third approach, serving a broader public interest. They suggested an objections process which could potentially identify harms or inconsistencies with the global public interest. In such a process, the applicant's ultimate goal would be no objections. They also discussed possible application criteria and limitations, for example, the need to ensure that an applicant has genuine intent to serve the public interest and not just its own commercial interests.

Participants generally came to agreement that:

- There appears to be synergy between the group's identified approaches to operationalizing public interest requirements. Breakout group 2's objection process and criteria/limitations may fit well with Breakout group 1's proposed scoring system.

- The group agreed to hold their next meeting on 20 February at 12:30 UTC, during which they will continue their public interest discussion.

ACTION ITEMS:

- Staff will prepare a document based on the group's breakout work and subsequent discussion, combining the elements of both breakout groups' identified approaches. This document will be shared with the group for further discussion prior to their next meeting.
- Participants to review and add inputs to Asynchronous Work #7 before 27 February.
- Participants to review and add inputs to Asynchronous Work #8 once it is shared to the mailing list.