

GNSO/GAC Facilitated Dialogue on Closed Generics

31 May 2023 Meeting Notes

During this meeting, Closed Generic (CG) Dialogue Participants discussed their remaining “red line” items pending group agreement, namely: disadvantaged sectors, definitions, and Public Comments. In the interest of producing a workable draft framework for community input, the group worked together to compromise and make progress on these complex issues.

Participants discussed the following:

- The group discussed whether a CG applicant must identify sectors of the public that may be disadvantaged by the operation of the CG gTLD, in addition to identifying any threats, risks, and mitigating actions. Some participants noted concerns for how this criteria would be evaluated and suggested that it may be more appropriate for developing registry commitments rather than for evaluating a CG application. Other participants disagreed, noting that the similar identification of threats, risks, and mitigating actions would be considered by evaluators. Ultimately, the group decided to maintain their current broadly-agreed text without the added mention of disadvantaged sectors.
- Three versions of text were proposed to address definitions in the group’s preliminary framework. Participants discussed whether “affiliates” should be mentioned in a definition of closed generic gTLDs, and whether other entities should be specified or left for subsequent policy work to determine. The group does not intend to change any existing definitions from the Base RA, but acknowledges that CG gTLDs would benefit from operation by additional entities that do not technically qualify as “affiliates”.
- Participants continued their discussion of whether to propose an extended or separate Public Comment period for closed generic gTLD applications. Some participants objected to having a second Public Comment period as it may delay other new gTLD processes. Some participants expressed support for a second Public Comment period following Early Warnings as the public may need more time to coordinate and develop meaningful public comments pertaining to CG gTLDs.
- Participants also discussed whether a microsite informing the public of CG gTLDs and applications should be recommended in their preliminary framework. Most participants supported this concept, and it was noted that there is a related recommendation from the SubPro PDP Final Report.
- As a compromise, it was proposed that in addition to an informational webpage for CG gTLDs, if the number of CG gTLD applications received exceeds 10, then the Public Comment period for CG gTLD should be automatically extended for 30-60 days. ICANN could still extend the Public Comment period for all gTLD applications at its discretion.

Participants generally came to agreement on the following:

- Participants reaffirmed that as part of the application, a CG applicant must identify any threats or risks that could reasonably be posed if the CG gTLD is delegated, and specify the mitigating actions that the applicant plans to take to minimize these threats and risks.

ACTION ITEMS:

- Participants to review the edited Closed Generics Framework v4 document and provide feedback in comments.
- Staff to draft compromise language for the definitions and Public Comment framework elements based on today's discussion, and share it to the mailing list for group consideration.