

GNSO/GAC Facilitated Dialogue on Closed Generics

07 June 2023 Meeting Notes

During this meeting, Closed Generic (CG) Dialogue Participants discussed their final “red line” topic, which was how to address Public Comments for closed generic gTLDs. The group also reviewed the remaining comments in their Closed Generics Framework v4 document, after which they made the decision to move forward with sharing their Draft Framework with the community for feedback.

Participants discussed the following:

- The group discussed four proposed approaches to Public Comments for CG gTLDs:
 - The first option was a compromise approach from the group’s 24 May call, whereby if a threshold of 10 CG gTLD applications is met, then the Public Comment period would be extended for CG gTLD applications for 60 days.
 - The second approach proposed having a second, separate 60-day Public Comment period for CG gTLD applications following GAC Early Warnings.
 - The third approach proposed that, consistent with SubPro recommendation 20.4, change requests to CG gTLD applications in response to public comments, objections, GAC Consensus Advice, GAC Early Warnings, or other comments from the GAC would be subject to an additional 30-day operational Public Comment period. It also proposed that future policy work should consider whether another comment period for CG gTLDs is appropriate.
 - The fourth approach, if no clear path was found, was to provide all three options in the Draft Framework to be shared for community consultation.
- Most participants expressed support for option 1, with changes so as not to prescribe a specific trigger or duration for the extended Public Comment period, instead providing such details by way of guidance and examples for a future policy group. Two participants expressed that the CG Public Comment period should be separate from the standard Public Comment period, rather than an extension of the period solely for CG gTLDs.
- Participants discussed the need for a dedicated, accessible space where the public can easily identify and find information about the CG gTLD applications and relevant rules.
- Participants discussed whether the CG Public Comment period should follow GAC Early Warnings in the evaluation process, noting there is some uncertainty about this timing.
- The group reviewed the remaining comments in their Closed Generics Framework v4 document, to determine whether further updates are needed to the Draft Framework.
- Participants discussed how references to SubPro Final Report recommendations should be called out within the Draft Framework, such as in footnotes or in a separate annex.
- The group was asked whether this Draft Framework, including their work done today, is in a position to go out for community consultation. The group broadly agreed to share the Draft Framework with the community for feedback.

Participants generally came to agreement on the following:

- Participants broadly agreed that applications for closed generic gTLDs should be subject to the same Public Comment period as all other gTLD applications, but that the comment period for closed generic gTLD applications should be an extended one, considering the unique nature and challenges presented by these gTLDs. The exact format and duration of this extended proceeding is to be determined through the policy process.
- By way of guidance and as an example, it may be appropriate to require a 60-day Public Comment period if there are more than a certain number (for example, 10) applications for closed generic gTLDs. Alternatively, again by way of guidance and as another example, it may be appropriate to extend the Public Comment period when there is a request for an extension submitted by a SOAC group or an industry association with an interest in the closed generic gTLD string. This does not replace ICANN's discretion to extend the Public Comment period for all applications, and this extension will apply to the full length of the Public Comment period (extended or otherwise).
- In line with Implementation Guidance 13.6 from the SubPro Final Report, ICANN org should publish all applications for closed generic gTLDs in a dedicated, identifiable, and publicly accessible space, where members of the public can easily identify and find information about each application, including viewing the rules governing these applications and their Public Comments.
- In arriving at this compromise approach to Public Comments, the group acknowledged the unique nature inherent to closed generic gTLDs, as well as the need for sufficient time for meaningful Public Comments, and the public's need to readily find all relevant information about closed generic gTLDs.
- In developing a final recommendation on this extended proceeding, the policy process should also consider the connection to the GAC Early Warning process, to the extent that this is feasible and appropriate.
- The group broadly agreed to share the Draft Framework for Closed Generic gTLDs with the community for feedback.

ACTION ITEMS:

- Staff to update the Draft Framework for Closed Generics based on today's discussion and publish the document for community review within 24 hours.
- Participants will continue to discuss their two public ICANN77 sessions via the mailing list.