

GNSO/GAC Facilitated Dialogue on Closed Generics

31 July 2023 Meeting Notes

During this meeting, Closed Generic (CG) Dialogue Participants began discussing the fundamental issues and concerns posed by [community feedback on their Draft Framework](#).

Participants discussed the following:

- ICANN staff supporting the Facilitated Dialogue briefly summarized the group's general agreements from their 7 July meeting.
- It was noted that while there are concerns from the IPC that the Draft Framework is too complicated, it did not have fundamental concerns with the framework and believes further work can be done that could result in consensus policy on Closed Generics.
- Participants discussed concerns raised by the BC's feedback regarding consumer deception, competitor exclusion, and the framework's complexity. It was proposed that feedback authors could be invited to speak to the group to help clarify their feedback.
- Participants noted the GAC's concerns regarding commercial applicants and whether they would pass the public interest/competition tests proposed in the framework. Participants expressed some disagreement whether this would be a fundamental issue for progressing the framework, noting concerns about relitigating previous discussions.
- Participants noted that multiple community groups as well as ICANN org shared concerns about the scoring system and the complexity of the framework.
- Participants discussed how to navigate important issues presented by the feedback. It was suggested that the group go through the feedback and determine which issues may not be not actionable within this group and are fundamental to the framework's acceptance, as well as which issues are resolvable with some tweaks to the framework.
- Participants proposed that, according to the feedback received, there may be fundamental issues with framework elements 10b and possibly 10a, regarding the requirements of non anti-competitiveness and representativeness. There is a desire from some participants for greater specificity in what the framework purportedly lacks and how its guardrails must be updated to sufficiently address the community's concerns.
- Participants clarified that while there are many significant concerns from the community's inputs, a fundamental issue refers to a particular issue that seems irresolvable and without a resolution from this Dialogue group, the GNSO, GAC, or ALAC will not accept the framework. Other issues with less skepticism would be addressed secondly.
- Participants discussed whether the feedback authors and potentially community leaders should be invited to attend the Dialogue group's discussions. Leaders from the GNSO, GAC, and ALAC plan to meet in parallel, and the fundamental issues identified by the group will help inform their discussions.

Participants generally came to agreement on the following:

- Participants generally agreed that they should attempt to identify the fundamental issues presented by the feedback and where further clarification is necessary.
- Participants generally agreed that it would be helpful to invite the feedback authors or their representatives to clarify their submitted feedback as needed.

ACTION ITEMS:

- Participants to review the feedback received from the community, and be ready to identify and discuss which issues may be fundamental and/or need clarification.
- Participants to debrief with their leaders as needed regarding any fundamental issues with arriving at a final framework.