

GAC - GNSO Facilitated Dialogue on Closed Generic gTLDs Hybrid Meeting Summary Notes 03 February 2023

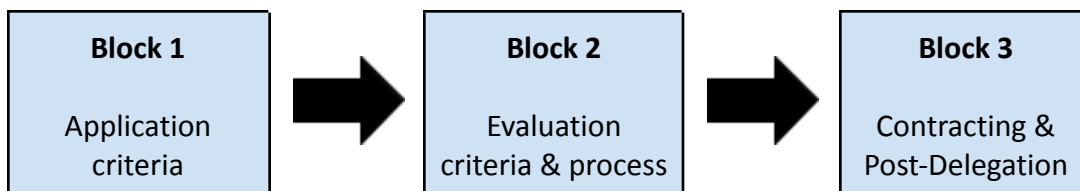
Objective

The objective of the facilitated dialogue on closed generic gTLDs is to formulate a workable framework to identify and handle closed generic applications for the next round(s) of new gTLDs. Should the participants from the GAC, GNSO, and ALAC reach agreement on a framework that meets with approval from the GAC and GNSO Council, the expectation is for the framework to be further developed through the appropriate GNSO policy process. The participants in this facilitated dialogue group are not developing policy.

Work Method

In pursuit of agreement on what a framework for closed generic gTLDs should include, dialogue participants have so far held eight virtual meetings, worked asynchronously on various brainstorming exercises, and most recently engaged in a hybrid meeting in Washington DC, USA, on 26-27 January 2023. During this hybrid meeting, participants discussed several key topics and definitions, brainstormed ideas for potential application and evaluation criteria, and collaborated in breakout and plenary sessions.

Based on the group's discussions and shared assumptions regarding the potential framework, the [meeting agenda](#) was divided into three blocks to help build this framework. As noted in the agenda, each block contains several topics, goals, and questions raised for group discussion. The group would dedicate the majority of their two-day meeting collaborating on the foundational elements of Block 1 before moving substantively on to Blocks 2 and 3.



Day 1 discussions primarily followed the initial [agenda](#). The [agenda](#) for day 2 was adjusted to facilitate more discussion on particular Block 1 topics that the group identified as important. The group discussed elements of Blocks 2 and 3 in their brainstorming and breakout sessions.

Day 1 Discussions

The facilitated dialogue group began their first day by identifying the unique characteristics of a closed generic gTLD which would make it a distinct category of TLD. Participants generally agreed that this type of gTLD would entail a single registrant entity, namely the registry operator and its “affiliates”. The group also discussed whether the exact scope of “affiliates” needs to be further refined, in light of the fact that “Affiliates” has a defined meaning in the base gTLD Registry Agreement. Several participants noted that it may be necessary to consider the question of what is a “generic” word or term in the context of various languages and scripts, including non-Latin scripts. In this regard, “generic” when used in the sense of a “closed generic” TLD should be differentiated from when it is used to describe a “generic top-level domain” (gTLD).

The group considered whether an applicant for a closed generic gTLD should have to demonstrate that there is a unique need for such a gTLD in its application. Participants generally agreed that an applicant must explain why a closed generic gTLD is necessary in order to operate in the manner they propose, but did not reach agreement on how to evaluate an applicant’s reasons as to why a closed generic gTLD is necessary for this purpose.

Prior to this meeting, the group acknowledged that a closed generic gTLD should serve a public interest goal. During the afternoon of their meeting’s first day, the group transitioned to further refining this understanding in the context of the global public interest.

The group first considered whose perspective(s) is relevant in viewing the public interest. Participants suggested a number of possible groups that could be considered the target “public” of a public interest goal, ranging from those that the applicant identifies, to all those who are impacted by the generic gTLD being allowed to operate in a closed manner, including the applicant’s competitors. While the group ultimately did not agree on who the target public should include, participants acknowledged that the public interest should extend beyond the applicants themselves.

In the course of this conversation, the group also discussed how the .swiss registry currently navigates generic second level domain name registrations and whether elements of its evaluation and objection processes could be adapted to a framework for closed generic gTLDs. Participants proposed several possible approaches for evaluating individual applications.

Following on from a previous asynchronous exercise, participants analyzed the relevance of ICANN's Global Public Interest (GPI) Framework to this facilitated dialogue, viz., whether elements of the GPI Framework might be useful to identify public interest benefits associated with closed generic gTLDs. Participants brainstormed a list of potential benefits that closed generic gTLDs may provide, and in a breakout session of three randomly-assigned groups, attempted to align these identified benefits with the public interest categories of the GPI Framework. Two groups found there was some alignment with several specific elements of the GPI Framework, and one group found greater alignment with the ICANN Bylaws more broadly. In general, the GPI Framework was a useful tool that assisted the group with developing its thinking on what might constitute public interest goals.

Day 2 Discussions

Continuing their public interest discussion from Day 1, the group agreed that the public interest is a broad concept that should not be limited by the GPI Framework and ICANN's Bylaws. In other words, a closed generic gTLD could serve public interest goals that go beyond ICANN's mission. Participants did not, however, reach agreement on whether demonstrating that a closed generic gTLD will serve a public interest goal necessarily means that it also will be in the global public interest.

Participants then brainstormed questions and criteria that applicants of a closed generic gTLD should be expected to address in their applications. Based on the group's brainstorming discussion, staff developed a draft process outline which included a number of questions an applicant could be asked to answer during the application and evaluation process. This draft outline is intended to be used as a tool for the group's work and does not reflect any decisions or agreements regarding specific questions or criteria for a closed generic gTLD application.

As part of their next breakout exercise, the group selected two of its previously-identified use cases from asynchronous work, .donation and .flowershop, to use as concrete examples to try to develop more specific application and evaluation criteria. The three breakout groups could choose whether to use the draft process outline to help reach agreement on potential criteria for closed generic gTLD applications. Each breakout group deliberated and then presented its findings and suggestions to the full dialogue group for questions and discussion.

The breakout exercise and subsequent discussion revealed several points of shared understanding. For example, the group acknowledged that there is value in an evaluation process that has both objective criteria and built-in flexibility, to allow for a wide variety of public interest goals and applicants. These shared understandings will form the basis for the group's discussions to further develop an agreed framework.

At the request of some participants, the group returned to discuss the meaning of the term “generic strings” and whether the definition provided in [Specification 11.3.d](#) of the Registry Agreement is sufficient. Several participants noted that additional guidance may be helpful to an evaluation panel, such as when a generic string does not clearly correspond to a category of goods, services, people or things, e.g. “.running”. How this definition may be clarified remains a topic of further discussion.

The participants concluded their Day 2 discussions by each taking turns to identify specific elements relating to evaluation, contracting, and post-delegation review that have not yet been discussed and that they believed should be considered by the group.

Next Steps

Throughout their two-day hybrid meeting, the group noted a number of shared understandings as well as open questions about application criteria, the evaluation process, post-delegation review and enforcement that will entail further discussion.

The group will continue its discussions during its virtual meetings in February.

Before ICANN76, the group plans to share with the community a preliminary report outlining their progress on agreed elements of a closed generic gTLD framework.