

GNSO/GAC Facilitated Dialogue on Closed Generics

28 August 2023 Meeting Notes

During their meeting, the Closed Generic (CG) Dialogue participants reviewed the comments and suggested edits to their internal draft Outcomes Report made since their previous meeting. The group discussed whether the proposed additions/amendments are acceptable as written or require further drafting before inclusion in the Outcomes Report. Each proposed amendment was read and opened for discussion, and if the amendment received no objections from the participants, ICANN staff implemented the changes live within the draft document.

Participants discussed the following:

- Whether the Outcomes Report should note that the resolution of fundamental issues with the Draft Framework and development of a final framework document “would not be rapid, easy, or fit within the Facilitated Dialogue’s current Q3 2023 timeframe”. Some participants expressed concern with the characterization of “rapid” and “easy”, but accepted the latter timing aspect of the proposed amendment.
- Whether part of the Chairs’ joint letter to the Dialogue Group (indicating what they plan to ask the Board regarding CGs for the next round) should be quoted in their Outcomes Report, or excluded considering that the GNSO Council’s messaging may have changed since the Chairs’ letter to the group. Some participants noted that including this preliminary detail would help provide a complete historical record, while other participants expressed concern that it may cause confusion for readers as it could be inconsistent with what is ultimately sent to the Board. This section of the Outcomes Report will be revisited once the GNSO/GAC/ALAC joint letter to the Board is finalized.
- Whether it should be noted that the annex in the Draft Framework “included some of the most difficult and controversial questions” in order to highlight their significance and why they were annexed. It was noted that some of the annexed questions may have been unnecessary for the group’s work or deliberations, however the group expressed it was generally acceptable to include this highlight.
- Whether the Outcomes Report should include details or quotes from the feedback submitted by community groups (such as the GAC’s concern about CG impacts to competition, markets and human rights) or whether the feedback should remain at a high-level without attribution. Some participants expressed concern about possibly cherry-picking comments and highlighting the inputs of some groups but not others. Participants and staff will provide alternative text options for the group’s consideration.
- Whether the current text implies that the Draft Framework’s “irreconcilable” issues would be reconcilable if the group or a future group continued the work, which some believe is not the case. Some participants noted their disagreement, citing the Chairs’ letter to the group expressing their “belief and gratitude that this group has collectively made a lot of progress and provided a substantive framework for any future policy work”. Participants who share a concern for irreconcilability will propose alternative text for the group to consider.

Participants generally came to agreement on the following:

- In addition to the first and third amendments mentioned above, CG Dialogue participants agreed to include other textual/formatting edits to the draft Outcomes Report document. These edits include added dates, clarification that the group used “a modified” Chatham House Rule, naming the community groups who submitted feedback (rather than using their acronyms), updating the links to the community’s feedback submissions, etc.

ACTION ITEMS:

- Participants to provide comments in the draft Outcomes Report document regarding: 1) any suggested changes to the significant issues noted from the community’s feedback on the Draft Framework; 2) alternative text regarding the perceived reconcilability of these significant issues; 3) any other suggested changes to the Outcomes Report, before their next meeting on 6 September 2023, 12:30 UTC.
- Staff to draft additional text for the Dialogue group’s consideration regarding: 1) the significant issues noted from the community’s feedback and 2) the GNSO/GAC/ALAC’s CG message to the Board (once their joint letter is finalized).
- Staff to update the source of the linked community feedback submissions to an online location apart from the mailing list archive.