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### **AT-LARGE ADVISORY COMMITTEE**

#### **Closed Generics Advice to the Board**

A Closed Generic is a gTLD where TLD string is a generic word and the TLD will not make domains available to others, but rather the TLD will be used exclusively by the registry owner. Examples are .perfume owned and used exclusively by one perfume company and .chocolate owned and used by one chocolate company.

In the 2012 round of new gTLDs there were a significant number of such applications which resulted in objections including advice from the GAC that such TLDs must serve a public interest. As a result, the Board decided that no such applications would be approved in that round. Applicants could either change the application to an open TLD, or withdraw.

The issue was considered during the Subsequent Procedures PDP, but there was no recommendation of how to allow Closed Generics and ensure that they served a public interest.

On [6 March 2022](#), the ICANN Board invited the GNSO Council and the GAC to participate in a facilitated dialogue to explore a mutually agreeable path forward on the topic of Closed Generics. The facilitated dialogue was initiated in an attempt to formulate a framework for the identification and handling of Closed Generic applications for the immediate Next Round of New gTLDs. The ALAC believed that it too should be part of the conversation. On [10 March 2022](#), the GAC welcomed the participation of the ALAC in the facilitated dialogue. On [29 June 2022](#), the GNSO Council agreed to the participation of the ALAC in the facilitated dialogue with one Member and one Alternate.

On [08 June 2023](#), the Facilitated Dialogue on Closed Generic gTLDs Draft Framework was published. The Facilitated Dialogue on Closed Generic gTLDs Draft Framework was discussed with the ICANN community at ICANN77 in Washington D.C. on [12 June 2023](#) and [13 June 2023](#). During these sessions, the Closed Generic Facilitated Dialogue Group requested that the ICANN community and ICANN org to review the framework and submit comments. On [14 July 2023](#), the ALAC provided its input on the Closed Generic draft framework.

Based on the strong negative comments and the lack of remaining time, the Facilitated Dialogue referred the matter to the Chairs of the GNSO, GAC and ALAC. The Chairs responded to the Facilitated Dialogue on [07 August 2023](#).

On [13 October 2023](#), the ALAC and GAC issued a joint letter to the ICANN Board Chair, which provided collectively determined next steps on the topic of Closed Generics. The ALAC and GAC agreed that:

1. The resolution of the Closed Generic gTLDs was not a dependency to opening the Next Round of New gTLDs;
2. Closed Generic gTLD policy was one for community policy work, rather than a decision for the Board and requested that the Board maintain the position any applications seeking a Closed Generic gTLD should not proceed; and
3. Any future community policy work on Closed Generic gTLDs should be based on the work that had been done with the facilitated dialogue.

The GNSO Council could not agree to make the request in item 2, and on [21 October 2023](#) sent a letter to the Board excluding that.

On [30 October 2023](#), the GAC issued its ICANN78 Hamburg Communique, which says that the upcoming Applicant Guidebook should state “that Closed Generic gTLD applications will not be considered”. On 7 November 2023, ALAC Alternate to the Facilitated Dialogue, Alan Greenberg drafted the subsequent ALAC advice on Closed Generic gTLDs. On [8 November 2023](#), the ALAC Consolidated Policy Working Group reviewed the draft advice on Closed Generic gTLDs and was submitted to the ICANN Board on 9 November 2023.

On 15 November 2023, the statement was ratified by the ALAC prior to submission to the ICANN Public Comment feature. The ALAC endorsed the statement with 15 votes in favor, 0 votes against, and 0 abstentions. The ALAC Members who participated in the poll are (alphabetical order by first name): Aziz Hilali, Bill Jouris, Bukola Oronti, Claire Craig, Eduardo Diaz, Joanna Kulesza, Jonathan Zuck, Justine Chew, Lilian Ivette De Luque, Marcelo Rodriguez, Pari Esfandiari, Eaihanath Gbadamassi, Satish Babu, Shah Zahidur Rahman, Tommi Karttaavi.

The ALAC, along with the GAC and the GNSO, participated in good faith in the Facilitated Dialogue on Closed Generics. This effort notwithstanding, the Facilitated Dialogue failed to create a framework allowing Closed Generic TLDs which would serve a public interest goal.

The GAC, in its communiqué from ICANN78 in Hamburg, Germany, gave unequivocal Advice to the Board on this matter. To quote:

*Prior to the next round of New gTLDs, to ensure that the forthcoming Applicant Guidebook clearly states that Closed Generic gTLD applications will not be considered.*

The ALAC fully supports this Advice and its accompanying rationale and echoes this Advice to the Board.

Moreover, based on discussions within the Facilitated Dialogue after reviewing the comments received on its draft framework, and in the community since that time, the ALAC posits that the differences among the various parties on what would satisfy a public interest or the global public interest may well be irreconcilable, and that the benefit of such Closed Generic gTLDs are not worth expending more community time and ICANN resources on this issue.