

21 October 2023

Closed Generics

To: Tripti Sinha, Chair, ICANN Board

Dear Tripti,

I write to update you and the ICANN Board of Directors on the status of the facilitated dialogue on closed generic gTLDs. On 7 August 2023, as a result of discussions amongst the Chairs of the ALAC, GAC, and GNSO, we sent the following joint letter to the dialogue participants in response to several questions they had referred to us in our capacity as Chairs of the three groups represented in the dialogue: <https://mm.icann.org/pipermail/closed-generics-framework/attachments/20230807/530f991e/MessagefromALACGACGNSOChairstoClosedGenericsFacilitatedDialogueParticipants-FINAL-5August2023002-0001.pdf>

You will see from the letter that the following agreements were reached:

- (1) It is not necessary to resolve the question of closed generic gTLDs as a dependency for the next round of new gTLDs. As such, the Board should remove it as a dependency and allow the next round to proceed.

- (2) Given the good faith discussions and work that has been accomplished through the facilitated dialogue, any future decisions taken on this topic should consider the good work that has been done to date in the facilitated dialogue and the previous work of the New gTLD Subsequent Procedures Policy Development Process (PDP).

A third point, providing guidance on how applicants seeking to impose exclusive access for “generic strings” should be treated in the next and future rounds of new gTLDs, was unable to be supported by the GNSO Council. The GNSO Council’s role is to manage the community process for developing gTLD policies through the bottom-up stakeholder process, not to make policy-related recommendations unilaterally. As such, the Council believes it appropriate to refer back to the Board’s March 2022 [invitation](#) to the GAC and GNSO Council to initiate a facilitated dialogue, which included a [Framing Paper](#) indicating the Board’s understanding that “[s]hould the dialogue not result in a mutually agreed framework [to be further developed through an appropriate GNSO policy process], it may be presumed that the Board will need to decide on what the most appropriate action is, within the Bylaws-defined roles and respective remits of the Board, GAC and GNSO.” Accordingly, because the facilitated dialogue did not reach a mutually agreed upon framework, the Council believes the Board should decide how to move forward on this topic.

I encourage the Board to take into account the joint letter to the dialogue participants in coming to a decision on the topic of closed generic gTLDs. In particular, I wish to draw the Board’s attention to the extensive good faith deliberations that took place in the facilitated dialogue which nevertheless seemed to reveal a number of fundamental issues in the community on the topic, as well as the fact that the

decision not to continue with the dialogue at this point was a decision taken jointly after carefully considering the facts of the matter.

The dialogue participants are now making sure that their work is documented thoroughly, including preparation of an outcomes report that will also include lessons learned from the techniques and methods they used in their attempts to reach agreement on this long-standing issue. The Council looks forward to receiving the group's report and to transmitting it to you for your further information.

Finally, the Council wishes to express its deep appreciation to Alan Barrett and Patricio Poblete, the Board liaisons to the facilitated dialogue, whose regular attendance and thoughtful contributions to the group's work were extremely helpful. We would also like to thank the ICANN staff members from the Policy Development Support and Global Domains & Strategy functions who facilitated, supported, and contributed input to the dialogue in their respective roles and in their usual professional manner.

Please do not hesitate to contact the Council if you have questions or wish to discuss the matter further.

Best regards,

Sebastien Ducos, GNSO Chair