

GAC Discussion of New gTLD Program Next Round

Session 3 and 9

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Session Objective

GAC Members to hold two sessions to discuss matters pertaining to the new gTLD Program Next Round, and assess whether GAC advice should be issued at ICANN78 on GAC priority topics.

The first session will focus on addressing and discussing policy matters including the open issues under discussion by the ICANN Board and potential GAC advice language on priority issues. The second session will focus on a GAC wide discussion on the GNSO Guidance Process for Applicant Support, a briefing on the Implementation Review Team (IRT) state of play by ICANN org and an update on the GAC/GNSO/ALAC facilitated dialogue on Closed Generic gTLDs.

Leadership Proposal for GAC Action

1. GAC Members to consider any action in response to recent Board decisions/actions on GAC priority topics (including GAC Consensus Advice/GAC Early Warnings - topic 30; Applicant Support; Registry Voluntary Commitments/Public Interest Commitments, Auctions) as outlined in the following Board issued documentation:
 - a. [March 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#) (16 March 2023) (March Scorecard), intended to facilitate the Board's consideration of the recommendations, affirmations, affirmations with modification, and implementation guidance (collectively “Outputs”) contained in the [Final Report on the New gTLD Subsequent Procedures Policy Development Process](#) (Final Report). The scorecard includes Board decisions on:
 - Outputs that the Board adopts;
 - Outputs that the Board adopts;
 - Outputs that the Board adopts with GNSO Council-Approved clarifications; and
 - Recommendations that the Board does not adopt at this time.

- b. [September 2023 Board Scorecard: Subsequent Procedures \(SubPro PDP\)](#) (10 September 2023), (September Scorecard) which includes Board decisions on pending SubPro PDP WG Recommendations, issued in September. Please note this scorecard does not replace the March 2023 scorecard, but needs to be reviewed in parallel to the March 2023 Scorecard for a full picture on Board actions.
 - c. [Board Scorecard on ICANN77 GAC Issues of Importance](#) (21 September 2023), which includes Board decisions/reactions on matters of interest to the GAC.
 - d. [Board action on ICANN77 GAC Advice \(10 September 2023\)](#), which includes Board responses to ICANN77 GAC Advice.
2. GAC Members to discuss GAC inputs on the GNSO Guidance Process on Applicant Support and next steps.
 3. GAC Members receive an update on the Implementation Review Team (IRT).
 4. GAC Members to discuss current state of play and outputs from the GAC/GNSO/ALAC dialogue on Closed Generics.

Current Status and Recent Developments

1. Recent Developments

On 16 March 2023, the Board [resolved](#) to instruct ICANN org to begin the implementation of all Final Report Outputs detailed in Section A of the "[Scorecard on Subsequent Procedures PDP](#)" (March Scorecard) and to make available resources required for the successful and timely opening of the next round of new gTLDs. The ICANN Board approved ninety-eight (98) recommendations contained in the Final Report on the New gTLD Subsequent Procedures Policy Development Process, and marked the remaining thirty-eight (38) recommendations as "pending".

The Board further directed ICANN org to deliver a comprehensive implementation plan to the Board no later than 1 August 2023, containing a work plan, relevant information for the Infrastructure Development stream, timelines and anticipated resource requirements to announce the opening of the next round of new gTLDs. ICANN org delivered the [implementation plan](#) for opening the next round of applications for new generic top-level domains (gTLDs), and on its [resolution](#) approved on 27 July 2023, the Board acknowledged receipt of the plan and directed ICANN org to provide the Board with periodic updates on its progress on program implementation, as well as to continue to prepare information for the Board Finance Committee on periodic requests for implementation funding as implementation work progresses through identified milestones.

The Board engaged with the GNSO Council on items marked as "pending", and following this interaction the GNSO Council transmitted to the Board the [New gTLD Subsequent Procedures Pending Recommendations - GNSO Council Clarifying Statement](#) (Clarifying Statement) on 5

September 2023, developed by the GNSO Council SubPro Small Team to address the Board's concerns on the pending Outputs. The GNSO Council noted the Clarifying Statement should be read as complementary to recommendations as stated in the Final Report and should be considered jointly with the Outputs for the purpose of implementation and operation of the New gTLD Program Next Round.

Following the ICANN77 GAC Communiqué and GAC concerns shared pertaining to Topic 30 of the Final Report of the New gTLD Subsequent Procedures Policy Development Process (SubPro PDP Final Report), GAC Advice and GAC Early Warnings, the GAC and Board engaged in a [discussion](#) on 28 July 2023. The GAC and Board further engaged on this matter at the Board GAC Interaction Group (BGIG) [meeting](#) on 20 September 2023.

In September 2023, the ICANN Board published several documents of interest to the GAC pertaining to new gTLDs. Relevant sections of these documents are summarized below for GAC membership ease of reference.

On 10 September 2023, the ICANN Board published the [September 2023 Scorecard: Subsequent Procedures PDP](#), i.e. an updated Board Scorecard on the SubPro PDP WG recommendations marked as “pending” in the Board Resolution on 16 March 2023.

The Board also published on 10 September 2023 the [Board Scorecard on ICANN77 GAC Advice](#), outlining Board decisions following the issuance of GAC advice at ICANN77.

Finally, on 21 September 2023, the Board published the [Board Scorecard on ICANN77 GAC Issues of Importance](#), outlining its comments and decisions on the GAC ICANN77 Issues of Importance following the Board-GAC Interaction on this topic.

2. Policy Issues of Interest to the GAC Pertaining to the Next Round of New gTLDs

GAC members may wish to review in detail the two documents published by the Board in September 2023, i.e. the [September 2023 Scorecard: Subsequent Procedures PDP](#), and the [Board Scorecard on ICANN77 GAC Advice](#) to determine whether GAC action should be taken at ICANN78, either through a dialogue with the ICANN Board at the GAC/Board bilateral meeting and/or via the issuance of GAC advice to the Board.

What follows is a summary of the “policy issues” of interest to the GAC including:

- A summary of the SubPro PDP WG Recommendations
- GAC advice/issues of importance summary text
- Board decision on these issues the September 2023 Scorecards

- **GAC Consensus Advice and GAC Early Warnings**

The process for GAC Advice on new gTLDs is intended to address applications that are identified by governments to be problematic (e.g., that potentially violate national law or raise sensitivities). GAC members can raise concerns about any application to the GAC. A GAC Early Warning typically results from a notice to the GAC by one or more governments that an application might be problematic. The full GAC will consider concerns raised by individual GAC members and may come to consensus on GAC advice to forward to the ICANN Board. As stated in the ICANN Bylaws, GAC advice must include a clearly articulated rationale and must be limited to the scope set out in the applicable Bylaws provisions.

The SubPro PDP WG Final Report noted in respect to GAC Advice (recommendation 30.4), that Section 3.1 of the 2012 Applicant Guidebook which states that GAC Consensus Advice “will create a strong presumption for the ICANN Board that the application should not be approved” does not have a basis in the current version of the ICANN Bylaws, and as such the WG recommends omitting this language in future versions of the Applicant Guidebook.

The SubPro Final Report noted in respect to GAC Early Warnings (recommendation 30.6) that Governments issuing Early Warnings must include a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member’s concerns.

The GAC noted in its [1 June 2021 collective comment](#) diverse views on the “strong presumption” language. Some GAC members believe that Section 3.1 of the 2012 Applicant Guidebook should be maintained, as they consider that “this language was part of a delicate compromise during the 2012 round preparations and further consider that it is consistent with past and present Bylaws provisions. Further, said GAC members consider that the possibility of maintaining a dialogue with the concerned applicant is not hampered by this language.” Other GAC members “support the Working Group’s recommendation to remove this language, and believe that the text of any future Applicant Guidebook must be consistent with the Bylaws regarding GAC advice.” The GAC and Board further engaged in a [discussion](#) on 28 July 2023 on this topic, as agreed upon during the GAC/Board bilateral at ICANN77.

The Board responded to the GAC in its [Board Scorecard on ICANN77 GAC Issues of Importance](#), noting that on GAC Early Warnings (recommendation 30.6) “the Board believes that the intent of this recommendation can be met if a GAC member provides a rationale why a remedy to their early warning is not possible.” In respect to GAC Advice (recommendation 30.4), the Board noted that “as the Board will always consider GAC advice in accordance with the relevant Bylaws provisions, the Board does not believe that, at this stage, any action by the Board is required” and that “the Bylaws specify that GAC advice shall be taken into consideration in the formulation and adoption of policies (Bylaws 12.2.a.x)”.

The Board noted in its [Scorecard on SubPro PDP Recommendations](#), that the Board reviewed the concerns voiced by GAC members in the [ICANN77 GAC Communiqué](#). On Recommendation 30.4, the Board notes that the ICANN Bylaws Section 12.2(a) details all relevant procedures concerning GAC Consensus Advice, and that this section of the ICANN Bylaws determines how the Board

engages with GAC Consensus Advice - not language included in a future Applicant Guidebook. Accordingly, the Board moves to adopt this recommendation, noting that it does not in any way prejudice or impact the processes regarding Board consideration of GAC Consensus Advice detailed in Bylaws Section 12.2 (a). On Recommendation 30.6, the Board noted the concerns raised by the GAC and instructs ICANN org to make clear in the Applicant Guidebook that as part of an Early Warning, a GAC member may indicate that its concern can only be addressed by the applicant withdrawing its application.

Proposed GAC Action for consideration: GAC members to discuss the GAC's reaction to the Board's response to the GAC ICANN77 Issues of Importance and to the Board's decisions of 10 September 2023. GAC members to discuss whether there is a need for GAC follow-up action and/or of any messages to be shared during the Board/GAC bilateral.

- **Registry Voluntary Commitments (RVCs)/Public Interest Commitments (PICs)**

As RVCs/PICs were used during the 2012 round, there were some concerns expressed about enforcement. According to the CCT Final Report: *“The combination of a short timeframe to respond, and uncertainty about the specifics of enforcement may have deterred certain applicants from submitting PICs or impacted which PICs they elected to submit.”*

ICANN org and the Board have noted concerns as to whether the language of the Bylaws (adopted after the launch of the 2012 round) might preclude ICANN from entering into future Registry Agreements (that materially differ in form from the 2012 round version currently in force) that include PICs and RVCs that reach outside of ICANN's technical mission as stated in the Bylaws. The language of the Bylaws specifically limits ICANN's negotiating and contracting power to PICs that are “in service of its Mission” and the Bylaws Section 1.1(c) notes that “ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet's unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a). For the avoidance of doubt, ICANN does not hold any governmentally authorized regulatory authority.”

The SubPro PDP Final Report recommends that i) mandatory Public Interest Commitments (PICs) currently captured in Specification 11 3(a)-(d) of the Registry Agreement⁴³ must continue to be included in Registry Agreements for gTLDs in subsequent procedures, ii) single-registrant TLDs with exemptions and/or waivers to mandatory PICs included in Specification 11 3(a) and Specification 11 3(b). On RVCs, the Final Report recommends allowing their use by applicants in response to public comments, GAC Early Warnings, and/or GAC Consensus Advice, specifying whether such commitment is limited in time, duration and/or scope to facilitate review by ICANN org, a possible objector and the GAC. Additionally, the final report notes that RVCs must continue to be included in the applicant's Registry Agreement, and must be readily accessible and presented in a manner that is usable. The WG notes that commitments made within PICs/RVCs must be enforceable through contracts entered between registry operators and ICANN and urges the Implementation Review Team to work with ICANN org to implement the recommendations and implementation guidance set in final report consistently with ICANN's current Bylaws. The Working Group acknowledges ongoing important work in the community on the topic of DNS abuse and believes

that a holistic solution is needed to account for DNS abuse in all gTLDs as opposed to dealing with these recommendations with respect to only the introduction of subsequent new gTLDs. Therefore, this PDP Working Group is not making any recommendations with respect to mitigating domain name abuse other than stating that any such future effort must apply to both existing and new gTLDs (and potentially ccTLDs).

The GAC issued Advice at ICANN77 noting that *“the GAC advises the Board to ensure that any future Registry Voluntary Commitments (RVCs) and Public Interest Commitments (PICs) are enforceable through clear contractual obligations, and that consequences for the failure to meet those obligations should be specified in the relevant agreements with Contracted Parties.”*

The Board noted in its [Scorecard on ICANN77 GAC Advice](#) that the Board accepts this advice and will consider the GAC’s advice as it further deliberates on pending recommendations related to PICs/RVCs.

The Board noted in its [Scorecard on SubPro PDP Recommendations](#) the Board’s adoption with the GNSO Council-Approved Clarification of recommendation 9.15 pertaining to DNS Abuse and the holistic solution needed. The other recommendations on PICs/RVCs remain “pending” and are therefore still under discussion by the Board.

At the time of the writing of this briefing, the GNSO Council is conducting an email vote with the intention of adopting a [second GNSO Council Clarifying Statement](#) to be submitted to the Board including the following language pertaining to PICs/RVCs: “The GNSO Council confirms that any new Public Interest Commitments (PICs) or Registry Voluntary Commitments (RVCs) must be enforceable under the ICANN Bylaws and as a practicable matter. In respect of RVCs, both ICANN org and the applicant must agree that a proffered commitment is clear, detailed, mutually understood, and sufficiently objective and measurable as to be enforceable. And further, the Council observes that among the purposes of PICs / RVCs is to address public comments, in addressing strings deemed highly sensitive or related to regulated industries, objections (whether formal or informal), GAC Early Warnings, and/or GAC Consensus Advice. This clarifying statement is made with the understanding that the ICANN Board will have a community-wide conversation on PICs/RVCs.”

Proposed GAC Action for consideration: GAC members to discuss the GAC’s reaction to the Board's response to GAC Advice and to the Board's decisions of 10 September 2023. GAC members to discuss whether there is a need for GAC follow-up action and/or of any messages to be shared during the Board/GAC bilateral.

- **Auctions: Mechanisms of Last Resort/Private Resolution of Contention Sets**

In the 2012 round ICANN org included methods to resolve contention into the AGB and encouraged self-resolution and subsequently, private resolution of contention set (e.g., private auctions) were commonly used to resolve string contention sets.

The SubPro PDP Final Report affirms that if there is contention for strings, applicants may: i) resolve contention between them within a pre-established timeframe in accordance with the Applicant Guidebook and supporting documents ii) if there is no mutual agreement, a claim to support a community by one party will be a reason to award priority to that application. If there is no such claim, and no mutual agreement, contention will be resolved through an ICANN Auction of Last Resort and; iii) Expert panels may be used to make Community Priority Evaluation determinations. The SubPro PDP Final report further noted that applications must be submitted with a bona fide (“good faith”) intention to operate the gTLD. Applicants must affirmatively attest to a bona fide intention to operate the gTLD clause for all applications that they submit.

The GAC issued advice to the Board at ICANN77 noting that *“the GAC advises the Board: i. To take steps to avoid the use of auctions of last resort in contentions between commercial and non-commercial applications; alternative means for the resolution of such contention sets, such as drawing lots, may be explored. ii. To ban or strongly disincentivize private monetary means of resolution of contention sets, including private auctions.”* Additionally, the GAC noted in its [1 June 2021 collective comment](#) its concerns on the implementation of the “bona fide” intention to operate a gTLD flagging that punitive measures for non compliance or submission of a “bona fide” intention are not sufficiently defined. Regarding Auctions of Last resort, in the ICANN77 GAC Communiqué the GAC issued advice to the Board noting that *“the GAC advises the Board: i. To take steps to avoid the use of auctions of last resort in contentions between commercial and non-commercial applications; alternative means for the resolution of such contention sets, such as drawing lots, may be explored. ii. To ban or strongly disincentivize private monetary means of resolution of contention sets, including private auctions.”*

The Board noted in its [Scorecard on ICANN77 GAC Advice](#) that as the recommendations relating to auctions are under discussion and pending action by the Board, the Board defers action on this advice until such time as these deliberations are completed.

The Board noted in its [Scorecard on SubPro PDP Recommendations](#) its approval of recommendation 35.3 on the bona fide requirement and recommendation 35.5 on the Contention Resolution Transparency Requirements with [GNSO Council-Approved clarifications](#). The GNSO Council clarified that *“The GNSO Council confirms that the references to private auctions in Recommendations 35.3 and 35.5 merely acknowledge the existence of private auctions in 2012 and should NOT be seen as an endorsement or prohibition of their continued practice in future rounds of the New gTLD Program. The Council notes that there were extensive discussions on the use of private auctions in the SubPro working group. To the extent that draft recommendations were developed as to private auctions, these did not receive consensus support in the working group but did receive strong support with significant opposition.”*

Proposed GAC Action for consideration: GAC members to discuss the GAC’s reaction to the Board's response to ICANN77 GAC Advice and to the Board's decisions of 10 September 2023. GAC members to discuss whether there is a need for GAC follow-up action and/or of any messages to be shared during the Board/GAC bilateral.

- **Applicant Support**

The Applicant Support Program (ASP) was developed for the 2012 round with the goal of providing financial and non-financial assistance to gTLD applicants requiring support that intend to use a gTLD to provide a public interest benefit. The Final Report outputs on the Applicant Support Program introduce a number of improvements to the way the program operated during the 2012 round. In the [Operational Design Assessment \(ODA\)](#), ICANN org included a proposal on how the ASP would work, noting that “applicants with demonstrated financial need will be able to apply for applicant support funds 18 months before the New gTLD Program application submission period opens. The ASP application is separate from the New gTLD Program application and requires information related to financial need and evaluation criteria. Successful applicants will be eligible for reduced ICANN fees related to the New gTLD Program, a curated list of pro bono and/or reduced-cost providers to assist with the development of applications and related content such as registry policies, and a bid credit or multiplier if the application undergoes an ICANN Auction of Last Resort. Applicants seeking support will be notified whether they qualify within six months of the New gTLD application submission period opening, so that they have the funding in time to apply for a gTLD string.” In August 2022, the GNSO Council initiated a GNSO Guidance Process (GGP) to provide additional guidance on ASP-related outputs.

The SubPro PDP Final Report recommends that financial assistance should continue to be provided to eligible applicants and to expand the scope of financial support provided to Applicant Support beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process. The Final Report further recommends that ICANN improve outreach, awareness-raising, application evaluation elements of the Applicant Support Program, as well as usability of the program.

The GAC issued Advice at ICANN77 noting that the GAC advises the Board to: i. Specify ICANN’s plans related to steps to expand financial support and engage with actors in underrepresented or underserved regions by ICANN78 in order to inform GAC deliberations on these matters, ii. To take steps to substantially reduce or eliminate the application fees and ongoing ICANN registry fees to expand financial support for applicants from underrepresented or underserved regions, iii. To take timely steps to facilitate significant global diversification in the New gTLD program by ensuring increased engagement with a diverse array of people and organizations in underrepresented or underserved markets and regions, including by: raising awareness of the Applicant Support Program; providing training and assistance to potential applicants; exploring the potential to support the provision of back-end services; and providing adequate funding for the Applicant Support Program consistent with diversification targets.

The Board noted in its [Scorecard on ICANN77 GAC Advice](#) the Board’s understanding of the GAC’s desire to learn more about plans for the Applicant Support Program, including financial support and engagement aspects, in advance of the ICANN78 meeting. While the Board anticipates ICANN’s engagement plans will include efforts related to actors in underrepresented or underserved regions, both the SubPro Final Report and the Draft GNSO Guidance Process for ASP emphasize that communications, outreach, awareness, and engagement should not be limited to specific geographies. As comments from GAC members indicate, it is difficult to define an agreed list of underserved and underdeveloped regions and countries in relation to the DNS. The Board welcomes additional GAC input on this, taking into account the GNSO Guidance Process for ASP has developed draft outputs related to outreach and awareness that also reference a part of the GAC’s definition: an “under-served region, is one that does not have a well-developed DNS and or associated industry or economy.” In referencing the GAC’s definition, the GGP WG agreed that the term “under-served” could also encompass indigenous communities and groups. As the recommendations relating to Applicant Support are under discussion and pending action by the Board, the Board defers action on this advice until such time as these deliberations are completed. Considering the Board’s ongoing work in relation to pending Recommendation 17.2, relating to expanding the scope of financial support, ICANN may not be in a position to share specific plans related to this recommendation by ICANN78.

The Board understands the GAC is recommending reduction or elimination of application fees in the next round, and that the GAC would support ICANN org providing fee reductions to new registry operators that qualified for such support in the New gTLD Program. The Board acknowledges this advice and the importance of financial support for qualified supported applicants. The Board is conducting ongoing work in relation to pending Recommendation 17.2, relating to expanding the scope of financial support. As the recommendations relating to Applicant Support are under discussion and pending action by the Board, the Board defers action on this advice until such time as these deliberations are completed.

The Board further noted its understanding that the GAC is suggesting a set of possible steps to help facilitate global diversification in the new gTLD program. The Board acknowledges and appreciates this advice. The Board anticipates that ICANN’s communications and engagement plans will articulate how to best raise awareness and provide training and assistance to potential ASP applicants. The Board acknowledges the importance of the ASP in relation to realizing Affirmation 1.3, that, “the primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS.” The Board also notes that it is critical to acknowledge the many challenges for potential applicants from underrepresented or underserved communities. While ASP is a critical component of increasing diversity, there may be other issues beyond fees, training, and access to pro bono professional services. Potential applicants may face other barriers in applying for a gTLD, being successful in their gTLD application, and then managing the registry in a secure and stable manner. The next round of the ASP presents a significant learning opportunity to test our collective assumptions about barriers to entry for diverse, underrepresented, and underserved applicants. With a robust evaluation of the ASP, that learning can then be applied to improve the program in future rounds. As the recommendations relating to Applicant Support are under discussion and pending action by the Board, the Board defers action on this advice until such

time as these deliberations are completed. The Board encourages continued participation by the Small Group of GAC representatives on the GGP on Applicant Support.

The Board noted in its [Scorecard on SubPro PDP Recommendations](#) its reiteration of the Board's concerns about Recommendation 17.2, which calls for ICANN to "expand the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process." As previously noted, the Board is concerned that the expansion of applicant support to affirmative payments of costs beyond application fees could raise fiduciary concerns for the Board. For example, such expansion of support could raise the possibility of inappropriate use of resources (e.g. inflated expenses, private benefit concerns, and other legal or regulatory concerns). For these reasons, the Board has determined that its adoption of this Recommendation would not be in the best interests of the ICANN community or ICANN. The Board recognizes and appreciates, however, that some potential gTLD applicants may need or benefit from these other types of financial assistance. As a result, the Board is conducting ongoing work relating to expanding the scope of financial support.

Proposed GAC Action for consideration: The GAC is encouraged to continue to engage in the GNSO Guidance Process (GGP) on Applicant Support and provide input as appropriate. GAC members to discuss the GAC's reaction to the Board's response to ICANN77 GAC Advice and to the Board's decisions of 10 September 2023. GAC members to discuss whether there is a need for GAC follow-up action and/or of any messages to be shared during the Board/GAC bilateral.

3. GNSO Guidance Process (GGP) on Applicant Support

On 25 August 2022 the GNSO Council [approved](#) the GGP Initiation Request to provide additional guidance to support the eventual implementation efforts relating to the Applicant Support Program, as recommended in the SubPro Final Report. The working group was subsequently formed and began its work in November 2022, following its [work plan and timeline](#).

GAC Members appointed to the GGP on Applicant Support effort include: Argentina, United Kingdom and Universal Postal Union.

Its tasks include reviewing historical information about applicant support, identifying subject matter experts, developing data/metrics and measures of success, and creating methodology for allocating financial support where there is inadequate funding for all qualified applicants.

Upon completion of its tasks, the working group produced a [GNSO Guidance Recommendation\(s\) Initial Report](#), which was subject to Public Comment.

The GAC submitted a [comment](#) on 25 September 2023 on behalf of the committee which states the GAC's support of the development of a foundational applicant support program for the next round of new gTLDs that will increase the number and geographical distribution of applications from underrepresented or underserved regions in all potential future rounds. Such an outcome will

be important for the continued global credibility of ICANN. The GAC further noted its support of proposals to substantially reduce or eliminate the application fees and ongoing ICANN registry fees that will sufficiently cover all such applications in the next round, noting that without a substantial reduction in, or provision of financial support for the expected application costs and ongoing operational fees, many potential applicants in underrepresented or underserved regions will simply be unable to apply - owing to the historically limited availability of capital for ICT/digital initiatives. The GAC asserted that non-financial support such as awareness raising, capacity development services and training is also a critical element of an applicant support program. Assisting in the provision of back-end services may also be appropriate in some cases. The committee offered a number of specific suggestions for how certain recommendations set forth in the Initial Report can be improved to more effectively establish the foundation for a robust and resilient applicant support program.

Following the review of Public Comment submissions and additional deliberations, the working group will produce a Final Report for the consideration of the GNSO Council and subsequently for consideration by the ICANN Board.

4. Implementation Review Team (IRT)

The Subsequent Procedures **Implementation Review Team (IRT)** commenced its work in May 2023 and is expected to draft the next applicant guidebook in preparation for the next round of new gTLDs. The GAC appointed a representative and an alternate to participate in the process, provide input to the IRT and report back to the broader committee on areas of importance to the GAC. GAC members appointed to the IRT are: Canada (Representative) and UK (Alternate). ICANN org presented an updated [Implementation Plan](#) in October 2023 for the Implementation Review Team's input, including the ninety-eight recommendations from the SubPro PDP WG Final Report and incorporates a phased approach taking into account multiple factors, including internal resource and SME availability and interdependencies on the various streams. Implementation of the thirty-eight outputs currently in "pending" status as per the March 2023 Board Resolution will be integrated into the implementation work if/when these have been approved by the ICANN Board. The implementation plan currently assumes a 15-24 month timeline for drafting the Applicant Guidebook, with the support of the IRT.

Since ICANN77, the IRT has met approximately 15 times, and will meet in-person at ICANN78 three times. Topics discussed to date include the following topics:

- Topic 2 Predictability
- Topic 8 Conflict of Interest
- Topic 11 Universal Acceptance
- Topic 10 Applicant Freedom of Expression
- Topic 12 Applicant Support
- Topic 21 Reserved names
- Topic 21a Geographic Names
- Topic 24 String Similarity

No final decisions on text have been taken. Draft text on the above topics, as well as meeting recordings, and other material is available [here](#).

5. Closed Generics

GAC members have engaged with GNSO and At-Large members in a facilitated dialogue on closed generics since November 2022, to develop a framework taking into account the GAC Beijing advice whereby “exclusive registry access should serve a public interest goal”.

GAC members participating in this effort include Egypt, Switzerland, Canada, UK, Australia, and Nigeria.

The facilitated dialogue group shared a [draft framework](#) with the ICANN community for review and input at ICANN77. This draft framework includes high-level policy elements relevant to the application phase, evaluation phase and post-delegation phase for closed generic gTLDs. The framework is intended to serve as the basis for a subsequent policy process to be initiated by the GNSO Council, pending agreement/endorsement by the GAC membership, GNSO and At-Large more broadly.

GAC members submitted [input](#) to the draft framework on 15 July 2023.

Following community input, the facilitated dialogue group identified several substantial issues which would need to be addressed for the framework to be endorsed by the community. The GAC, GNSO and ALAC chairs met several times to discuss potential next steps for the issue and ultimately [determined that](#):

1. Closed generic gTLDs should not be viewed as a dependency for the next round if new gTLDs;
2. Until there is community-developed policy, the Board may wish to maintain the position from the 2012 round (i.e., any applications seeking to impose exclusive registry access for "generic strings" to a single person or entity and/or that person's or entity's Affiliates (as defined in Section 2.9(c) of the Registry Agreement) should not proceed; and
3. Should the community decide in the future to resume the policy discussions, this should be based on the good work that has been done to date in the facilitated dialogue.

The three Chairs are currently reviewing a draft letter to be sent jointly to the Board advising it of their joint decision.

With the Facilitated Dialogue concluding its efforts based on a joint decision from the leadership of all parties represented, GAC Members may consider communicating to the Board its position on the issue of Closed Generics.

Key Reference Documents

- [September 2023 Board Scorecard: Subsequent Procedures](#) - 10 September 2023
- [Board Scorecard on ICANN77 GAC Advice](#) (10 September 2023)
- [Board Scorecard on ICANN77 GAC Issues of Importance](#) (21 September 2023)
- [GNSO Council Clarifying Statement - New gTLD Subsequent Procedures Pending Recommendations](#) - 5 September 2023
- [Scorecard: Subsequent Procedures \(SubPro PDP\)](#) - 16 March 2023
- [ICANN77 GAC Communiqué](#) - 20 June 2023
- [New gTLD Subsequent Procedures Operational Design Assessment](#) - 12 December 2022
- [GAC Consensus Collective Comment](#) (1 June 2021) on GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration.
- [Final Report on the new gTLD Subsequent Procedures PDP WG](#) - 1 February 2021

Further Information

- GAC Policy Background Document on Subsequent Rounds of New gTLDs:
<https://gac.icann.org/briefing-materials/public/gac-policy-background-new-gtlds-subsequent-rounds.pdf>

Document Administration

Title	ICANN78 GAC Session Briefing - GAC Discussion on New gTLD Program Next Round
Distribution	GAC Members (before meeting) and Public (after meeting)
Distribution Date	Version 1: 11 October 2023