

**GAC Advice – Hamburg Communiqué:
Clarifying Questions and Updates – for 05 December 2023 Board-GAC Meeting**

Clarifying Questions on Hamburg Consensus Advice

GAC Consensus Advice Item	Advice Text	Board Clarifying Questions
<p>§1.a.i Closed Generic gTLDs</p>	<p>a. The GAC advises the Board to:</p> <p>i. <i>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.</i></p> <p><u>RATIONALE:</u></p> <p>The GAC offers this advice in recognition of the support of the message from the Chairs of the ALAC, GAC, and GNSO to the participants of the facilitated dialogue that “unless and until there is a community-developed consensus policy in place, any applications [for closed generic gTLDs] [...] should not proceed.”</p> <p>A clear statement in the Applicant Guidebook will help potential applicants to avoid confusion and possibly the waste of resources.</p> <p>Additionally, the GAC recalled in its Comment on the Draft Framework for Closed Generics (15 July 2023) its concerns on “competition issues, the overall assessment of the value of Closed Generic 10 TLD for the Internet, their potential negative economic and social impacts, and the evaluation panel”. The good faith deliberations that took place in the Facilitated Dialogue addressed directly the question of whether Closed Generics could serve a “public interest goal” (as advised in the 2013 Beijing Communiqué) without reaching a solution garnering consensus within the community. The GAC further underlines the importance to promote an open digital space and is of the view that under these circumstances determining and arbitrating whether a proposed closed gTLD would meet a public interest goal would likely create significant costs without providing any corresponding benefit.</p>	<p>The Board notes that there is currently no community-developed consensus policy on closed generic gTLDs, since the SubPro PDP did not come to consensus on this topic and the recent facilitated dialogue did not result in a final community-agreed framework for further policy work.</p> <p>The Board thus understands that the question of how to handle any applications for closed generic gTLDs that may be submitted in the next round is a decision for the Board. The Board is considering how to proceed and will take into account the GAC’s advice as well as that of the ALAC and the input sent via correspondence from the GNSO Council.</p> <p>Can the GAC confirm its belief that Board acceptance of this advice will not amount to unilateral policy making, and should not be considered a</p>

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		<p>precedent or policy for future rounds of new gTLDs?</p> <p>Can the GAC also clarify how this advice item aligns with its 2013 advice that for gTLD strings representing generic terms, exclusive registry access (i.e. closed generics) should serve a public interest goal?</p>

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Clarifying Questions on Hamburg Follow Up on Previous Advice

GAC Follow Up on Previous Advice Item	Advice Text	Board Clarifying Questions
<p>1. Enabling Inclusive, Informed and Meaningful Participation in ICANN</p>	<p>The GAC would welcome a written status update from the Board on the activities adopted and implemented by ICANN org pursuant to the ICANN60 GAC Abu Dhabi Communiqué Advice regarding the development of a simple and efficient document management system and the production of easily understandable executive summaries for all relevant issues, processes and activities.</p>	<p>The Board is committed to accountability and transparency and pursuing easily understandable and relevant information on matters of concern to all stakeholders. The Board notes that the greatly enhanced searchability on icann.org, resulting from the Information Transparency Initiative, gives users the ability to search by name, date, and subject, which satisfies the intent of the advice regarding the development of a simple and efficient document management system.</p> <p>The Board notes that the At Large leadership has met with staff regarding the need for executive summaries. Ten executive summaries will be produced, after which the 2017 joint advice can be closed. At Large has committed to provide the list of topics. Will the GAC be working in collaboration with At Large on these ten topics and if so, is there a</p>

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		<p>timeline for the GAC and At Large to provide these topics?</p>
<p>2. Future gTLDs Policies and Procedures</p>	<p>The GAC recalls its advice to the Board in the ICANN56 GAC Helsinki Communiqué (30 June 2016) that "<i>An objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round.</i>" So far the GAC is not certain of the availability of such analysis called for by the GAC. The GAC is looking forward to receiving such analysis at the earliest opportunity and ahead of ICANN79.</p>	<p>The Board notes that the benefits and costs of subsequent rounds of new gTLD are contained in the PDP Final Report, the CCT Final Report, and the ODA. In the view of the GAC, what additional analysis is required that is not already covered in these documents?</p>