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ICANN

ICANN78 GAC Discussion on New gTLD Program Next Round

25 October 2023

ICANN | GAC
Governmental Advisory Committee

78 ANNUAL GENERAL MEETING

Agenda

1. Introduction - GAC Chair

2. Implementation Review Team (IRT) (15 minutes)

   a. ICANN org overview (Lars Hoffmann)

   b. GAC discussion and questions

3. GNSO Guidance Process (GGP) - Applicant Support (30 minutes)

   a. Overview of GGP Status

   b. GAC input to the GGP

   c. Next steps

4. Facilitated Dialogue on Closed Generics - Status Update (10 minutes)

5. AOB

78 | ANNUAL GENERAL MEETING

Implementation Review Team (IRT)

Lars Hoffmann (ICANN org)

Agenda

1. SubPro IRT Update

2. SubPro Final Report Pending Recommendations

3. GAC Topics of Interest Highlights

4. AOB

SubPro IRT Update

Agenda Item #1

IRT Info, Stats & Resources

The SubPro Implementation Review Team (IRT) is assisting ICANN org with the implementation of the the Board-approved outputs from the Final Report on the new gTLD Subsequent Procedures Policy Development Process. The outcome of this process will be an updated Applicant Guidebook.
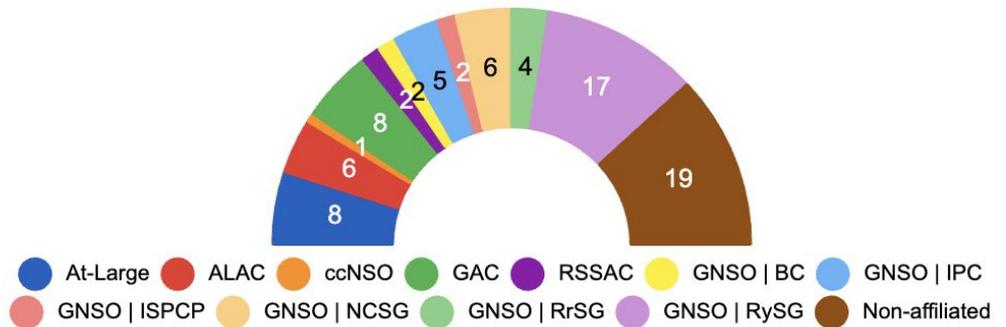
Wiki workspace:
https://community.icann.org/x/pQM5Dg
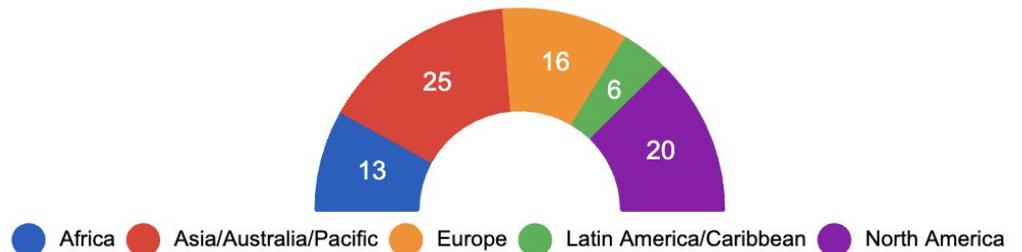
Mailing List Archive:
https://mm.icann.org/pipermail/subpro-irt/

Overview

# Meetings held	19
# Members	80

Affiliation

8 6 1 8 2 2 5 2 6 4 17 19

● At-Large ● ALAC ● ccNSO ● GAC ● RSSAC ● GNSO | BC ● GNSO | IPC
● GNSO | ISPCP ● GNSO | NCSG ● GNSO | RrSG ● GNSO | RySG ● Non-affiliated

Region

13 25 16 6 20

● Africa ● Asia/Australia/Pacific ● Europe ● Latin America/Caribbean ● North America

Policy Implementation Status

Project Description

The SubPro IRT assists ICANN org in the implementation of the policy outputs in the Final Report in the new gTLD Subsequent Procedures Policy Development Process.

The outcome of this process will be an updated Applicant Guidebook.

The SubPro IRT has the form of an 'Open + Representative Model' based on the GNSO's PDP 3.0 model.

The SubPro IRT is part of Work Stream 1 of the Next Round of the New gTLDs Program.

Board Decision on Outputs
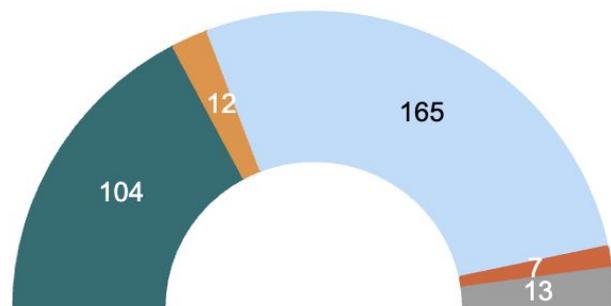
- Adopted: 104
- Adopted with Clarifying Statement: 12
- Acknowledged: 165
- Not Adopted: 7
- Pending: 13

Project Information

05/16/23
1st IRT Meeting

05/31/25
Expected AGB Completion

158
Days Since 1st IRT Meeting

588
Days to Expected AGB Completion

19.8%
% Completion

Project Health

Project Contacts

Lars Hoffmann
Work Stream Lead

Anne Aikman-Scalese
Susan Payne
Council Liaisons

'**Weighted % Completion**' represents an estimation of the work that has been completed weighted against the estimated level of effort for each topic. Given the many factors involved, this percentage should only be seen as an approximation and not an accurate depiction.

The section '**Board Decision on Outputs**'' was updated to reflect the most recent Scorecard, following the Board Resolutions approved on 10 September 2023.

IRT Topic Overview

No AGB Relevance	Shared with IRT	To be Shared with IRT by End of Q1 2024	To be Shared with IRT in Q2 2024 and Beyond
1. Continuing Subsequent Procedures 12. Applicant Guidebook 14. Systems 41. Contractual Compliance	02. Predictability 08. Conflicts of Interest 10. Applicant Freedom of Expression 11. Universal Acceptance 21. Reserved Names 21a. Geographic Names 24. String Similarity Evaluations 28. Role of Application Comment	03. Applications Assessed in Rounds 06. RSP Pre-Evaluation 07. Metrics and Monitoring 17. Applicant Support 19. Application Queuing 20. Application Change Requests 25. IDNs 30. GAC Consensus Advice and GAC Early Warning 31. Objections 35. Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets 39. RST	05. Applications Submission Limits* 09. RVCs/PICs 13. Communications 15. Application Fees 16. Application Submission Period 18. Terms & Conditions 22. Registrant Protections 26. Security and Stability 27. Applicant Reviews 29. Name Collisions 32. Limited Challenge/Appeals 33. DRPs After Delegation 34. Community Applications 36. Base Registry Agreement 37. Registrar Non-Discrimination* 38. Registrar Support for New gTLDs 40. TLD Rollout*

*Topics with 2 or fewer recommendations

IRT Meetings @ ICANN78

Date	Time	Topic	Links
Sat, 21 Oct 23 (past)	*08:30-10:00 UTC 10:30-12:00 CEST*	*28. Role of Application Comment*	*Wiki: https://community.icann.org/x/SJOZDg Schedule: https://sched.co/1T4Ko*
Wed, 25 Oct 23	14:00-15:30 UTC 16:00-17:30 CEST	39. Registry System Testing	Wiki: https://community.icann.org/x/NADCDw Schedule: https://sched.co/1T4LI
Thu, 26 Oct 23	07:00-08:00 UTC 09:00-10:00 CEST	17. Applicant Support	Wiki: https://community.icann.org/x/OwDCDw Schedule: https://sched.co/1T4Kf

Implementation Plan Overview

- An updated version of the Implementation Plan was published on the [SubPro IRT workspace](#) in October 2023.

- Updates reflect the 10 September 2023 Board Resolution:
  - **Adopted 7** recommendations directly
  - **Adopted 11** recommendations **with GNSO Council-approved clarifications**
  - **Did not adopt at this time 7** recommendations
  - **Left pending 13** recommendations which are still under discussion.

- Timelines updated with topics leading up to ICANN78 and noted upcoming topics (post-ICANN78)

See [Implementation Work Plan](#) for more details

SubPro Final Report
Pending Recommendations

Agenda Item #2

Anticipated Board Paper Action

Topic	Outputs to be adopted with Clarifying Statement.	Outputs the Board indicated it may not adopt.
Topic 9: RVCs/PICs	Recommendation 9.1 Recommendation 9.4 Recommendation 9.8 Recommendation 9.9 Recommendation 9.10 Recommendation 9.12 Recommendation 9.13	
Topic 30: GAC Consensus Advice and GAC Early Warning	Recommendation 30.7	
Topic 31: Objections	Recommendation 31.16 Recommendation 31.17	
Topic 32: Limited Challenge/ Appeal Mechanism		Recommendation 32.1 Recommendation 32.2 Recommendation 32.10

PICs/RVCs-Related Outputs: GNSO Council Clarifying Statement

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.

Topic 32: Limited Challenge/Appeal Mechanisms

- The Board is concerned regarding this recommendation as set out in [Operational Design Assessment](#), at topic 32 (pp. 169-176).

- In sum, it is not clear that a challenge/appeal mechanism applicable to Initial/Extended Evaluation decisions made by ICANN or third-party providers or challenges concerning conflict of interest of panelists could be designed in a way that does not cause excessive, unnecessary costs or delays in the application process.

GAC Topics of Interest Highlights

Agenda Item #3

Topic 21: Reserved Names

Type of String	List Type	Exception Process Applies?	Notes
Special-Use Domain Names Registry	Blocked	No	Technical standards that reserve specific labels for purposes inconsistent with delegation and explicitly noted on IANA's Special-Use Domain Names Registry.
Technical Standards	Blocked	No	Technical standards that prohibit entire categories of labels (e.g., Reserved LDH labels (R-LDH labels) containing "--" in the third and fourth characters but which otherwise conform to LDH label rules (RFC 5890), prohibited IDNA labels, TLDs including numerals).
Country or Territory Names in relation to Geographic Names	Blocked	No	See AGB Section [TBD] on *"Treatment of Country or Territory Names"* for more details.
ISO 3166-1 alpha-3	Blocked	No	Strings in the ISO 3166-1 alpha-3 standard are not eligible for delegation.
ICANN-related and other entities in the DNS ecosystem	Blocked	No	(e.g., SOs, ACs, RIRs, IETF bodies)
Red Cross Red Crescent (RCRC), International Olympic Committee (IOC), & International Governmental Organization (IGO) - International Non-Governmental Organizations (INGO) Names	Reserved	Yes	Names added by the IGO-INGO PDP Working Group's recommendations on the protections of IGO-INGO identifiers in all gTLDs are eligible for delegation upon verification.

See IRT Community Wiki for more information.

Topic 21a: Geographic Names

- Maintain provisions included in the 2012 Application Guidebook section 2.2.1.4.1 Treatment of Country and Territory Names, with the following clarification regarding section 2.2.1.4.1.vi:
    - Permutations and transpositions of the following strings are reserved and unavailable for delegation:
    - long-form name listed in the ISO 3166-1 standard.
    - short-form name listed in the ISO 3166-1 standard.
    - short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency.
    - separable component of a country name designated on the "Separable Country Names List."

  Strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1 standard are available for delegation, unless the strings resulting from permutations and transpositions are themselves on that list.

- Maintain provisions included in the 2012 Application Guidebook section 2.2.1.4.2 Geographic Names Requiring Government Support,410 with the following update regarding section 2.2.1.4.2.4:
    - The "Composition of macro geographical (continental) regions, geographical subregions, and selected economic and other groupings" list is more appropriately called the "Standard country or area codes for statistical use (M49)." The current link for this resource is https://unstats.un.org/unsd/methodology/m49.

  UNESCO Regions were added directly in AGB as a footnote (rather than linked externally)

See IRT Community Wiki for more detailed information.

Topic 30: GAC Advice and GAC Early Warning

GAC Early Warning

- GAC members may issue a GAC Early Warnings notice concerning a new gTLD application during the Community Action Period (CAP). (Recommendation 30.5)…
- GAC agrees with the notion that Governments issuing Early Warnings must include a written explanation describing why the Early Warnings was submitted and how the applicant may address the GAC member's concerns, *if applicable*, as well as identify the objecting countries. If an application may not be remedied, the GAC should state this and provide a reason. (Recommendation 30.6)

GAC Advice

- ICANN org is aware that the GAC does not support the recommended limitation (Implementation Guidance 30.2) regarding the timing of GAC Advice on future categories of TLDs and particular applications. ICANN org notes that the GAC is not prevented from submitting advice on a particular application or aspect of the new gTLD program at any time and will clarify this in the AGB.
- ICANN org is aware that GAC Members disagree with Recommendation Guidance 30.4 which notes the removal of language regarding possible changes to Section 3.1 of the 2012 AGB which states that GAC Consensus Advice "will create a strong presumption for the ICANN Board that the application should not be approved." The Board has noted the GAC concerns and the Board's adoption of this recommendation does not in any way prejudice or otherwise impact the processes regarding Board consideration of GAC Advice detailed in the Bylaws Section 12.2 (a). As such, ICANN org will make this clear in the AGB.
- Per Recommendation 30.3, the AGB will state that GAC Advice must include a clearly articulated rationale and be limited to the scope set out in the applicable Bylaws provisions and elaborate on any "ICANN's policies and various laws and international agreements or where the interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues."

AOB

Agenda Item #4

Annexes

Topic 17: Applicant Support

The Board did not adopt **Recommendation 17.2** with the September 2023 [Resolutions](#) and [Scorecard](#).

- Recommendation 17.2: The Working Group recommends expanding 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.

- Issue Synopsis: The Board remains concerned, as previously voiced as part of its comment on the Draft Final Report, over the open-ended nature of these fees as affirmative payments of costs beyond application fees could raise fiduciary concerns for the Board.

  Note, this concern does not extend to facilitation of *pro bono* services.

Topic 17: Applicant Support

- <u>Board Action and Rationale</u>: The Board reiterates its previous 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.

Topic 29: Name Collision

The Board adopted with a GNSO Council-approved clarification **Recommendation 29.1** with the September 2023 Resolutions and Scorecard.

- Recommendation 29.1: ICANN must have ready prior to the opening of the Application Submission Period a mechanism to evaluate the risk of name collisions in the New gTLD evaluation process as well as during the transition to delegation phase.

- GNSO Council-Approved Clarification: The GNSO Council believes that Recommendation 29.1 can be adopted by the Board on the understanding that it does not need to be acted on until such time any next steps for mitigating name collision risks are better understood out of the Name Collision Analysis Project (NCAP) Study 2.

Topic 30: GAC Consensus Advice/GAC Early Warning

The Board adopted **Recommendation 30.4** with the September 2023 Resolutions and Scorecard.

- Recommendation 30.4: Section 3.1 of the 2012 Applicant Guidebook states that GAC Consensus Advice "will create a **strong presumption** for the ICANN Board that the application should not be approved." Noting that this language does not have a basis in the current version of the ICANN Bylaws, the Working Group recommends omitting this language in future versions of the Applicant Guidebook to bring the Applicant Guidebook in line with the Bylaws language. The Working Group further notes that the language may have the unintended consequence of hampering the ability of the Board to facilitate a solution that mitigates concerns and is mutually acceptable to the applicant and the GAC as described in the relevant Bylaws language. Such a solution could allow an application to proceed. In place of the omitted language, the Working Group recommends including in the Applicant Guidebook a reference to applicable Bylaws provisions that describe the voting threshold for the ICANN Board to reject GAC Consensus Advice.

Topic 30: GAC Consensus Advice/GAC Early Warning

- <u>Board Input Regarding the Implementation Process</u>: The Board has noted and reviewed the concerns voiced by some GAC members in the [ICANN77 GAC Communique](#). The Board notes the GAC that Bylaws Section 12.2 (a) details all relevant procedures concerning GAC Consensus Advice and that this Bylaws Section, not language in a future Applicant Guidebook, determines how the Board engages with GAC Consensus Advice - regardless of whether it is issued with regard to the Next Round or any other issue. Accordingly, the Board's adoption of this recommendation does not in any way prejudice or otherwise impact the processes regarding Board consideration of GAC Consensus Advice detailed in the Bylaws Section 12.2 (a).

Topic 30: GAC Consensus Advice/GAC Early Warning

The Board adopted **Recommendation 30.5** with the September 2023 Resolutions and Scorecard.

- Recommendation 30.5: The Working Group recommends that GAC Early Warnings are issued during a period that is concurrent with the Application Comment Period. To the extent that there is a longer period given for the GAC to provide Early Warnings (above and beyond the Application Comment Period), the Applicant Guidebook must define a specific time period during which GAC Early Warnings can be issued.

- Board Input Regarding the Implementation Process: At this time, the Board does not have specific input about this recommendation regarding the implementation process.

Topic 30: GAC Consensus Advice/GAC Early Warning

The Board adopted **Recommendation 30.6** with the September 2023 Resolutions and Scorecard.

- Recommendation 30.6: Government(s) issuing Early Warning(s) must include a written explanation describing why the Early Warning was submitted and how the applicant may address the GAC member's concerns.

- Board Input Regarding the Implementation Process: The Board has noted the concerns that the GAC has previously raised on this recommendation, most recently as an issue of concern in the ICANN77 GAC Communiqué.

  The Board 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.

  In doing so, ICANN org should consult with the IRT as needed, in accordance with the Consensus Policy Implementation Framework, and the IRT Principles and Guidelines.

Topic 34: Community Applications

The Board adopted with a GNSO Council-approved clarification **Recommendation 34.12** with the September 2023 [Resolutions](#) and [Scorecard](#).

- Recommendation 34.12: The process to develop evaluation and selection criteria that will be used to choose a Community Priority Evaluation Provider (CPE Provider) must include mechanisms to ensure appropriate feedback from the ICANN community. In addition, any terms included in the contract between ICANN org and the CPE Provider regarding the CPE process must be subject to public comment.

- GNSO Council-Approved Clarification: 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.

Topic 35: Auctions

The Board adopted with a GNSO Council-approved clarification **Recommendation 35.3 and 35.5** with the September 2023 Resolutions and Scorecard.

- Recommendation 35.3: 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.
  - Evaluators and ICANN must be able to ask clarifying questions to any applicant it believes may not be submitting an application with a bona fide intention. Evaluators and ICANN shall use, but are not limited to, the "Factors" described below in their consideration of whether an application was submitted absent bona fide intention. These "Factors" will be taken into consideration and weighed against all of other facts and circumstances surrounding the impacted applicants and applications. The existence of any one or all of the "Factors" may not themselves be conclusive of an application made lacking a bona fide use intent.

Topic 35: Auctions

○ Applicants may mark portions of any such responses as "confidential" if the responses include proprietary business information.

The Working Group discussed the following potential non-exhaustive list of "Factors" that ICANN may consider in determining whether an application was submitted with a bona fide ("good faith") intention to operate the gTLD. Note that potential alternatives and additional language suggested by some Working Group members are included in brackets:

● If an applicant applies for [four] [five] or more strings that are within contention sets and participates in private auctions for more than fifty percent (50%) of those strings for which the losing bidder(s) receive the proceeds from the successful bidder, and the applicant loses each of the private auctions, this may be a factor considered by ICANN in determining lack of bona fide intention to operate the gTLD for each of those applications.

Topic 35: Auctions

- Possible alternatives to the above bullet point:
  - [If an applicant participates in six or more private auctions and fifty percent (50%) or greater of its contention strings produce a financial windfall from losing.]
  - [If an applicant receives financial proceeds from losing greater than 49% of its total number of contention set applications that are resolved through private auctions.]
  - [If an applicant: a. Has six or more applications in contention sets; and b. 50% or more of the contention sets are resolved in private auctions; and c. 50% or more of the private auctions produce a financial windfall to the applicant.]
  - [If an applicant applies for 5 or more strings that are within contention sets and participated in 3 private auctions for which the applicant is the losing bidder and receives proceeds from the successful bidder it MUST send to the evaluators a detailed reconciliation statement of its auction fund receipts and expenditure immediately on completion of its final contention set resolution. In addition this may be considered a factor by the evaluators and ICANN in determining lack of bona fide intention to operate the gTLD for all of its applications and in doing so might stop all its applications from continuing to delegation.]

Topic 35: Auctions

- If an applicant's string is not delegated into the root within two (2) years of the Effective Date of the Registry Agreement, this may be a factor considered by ICANN in determining lack of bona fide intention to operate the gTLD for that applicant.
- If an applicant is awarded a top-level domain and [sells or assigns] [attempts to sell] the TLD (separate and apart from a sale of all or substantially all of its nonTLD related assets) within (1) year, this may be a factor considered by ICANN in determining lack of bona fide intention to operate the gTLD for that applicant.
- [If an applicant with multiple applications resolves contention sets by means other than private auctions and does not win any TLDs.]

Consideration of whether an application was submitted with a bona fide intention to operate the gTLD must be determined by considering all of the facts and circumstances surrounding the impacted applicants and applications. The above factors may be considered by ICANN in determining such intent provided that there are no other credible explanations for the existence of those Factors.

Topic 35: Auctions

- <u>Recommendation 35.5</u>: Applicants resolving string contention must adhere to the Contention Resolution Transparency Requirements as detailed below. Applicants disclosing relevant information will be subject to the Protections for Disclosing Applicants as detailed below.

- <u>GNSO Council-Approved Clarification</u>: 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.

GNSO Guidance Process - Applicant Support

Rosalind Kennybirch (UK)
Tracy Hackshaw (UPU)

GNSO Guidance Process on Applicant Support

- In 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

- The working group was formed and began its work in November 2022, following its work plan and timeline.

- Group's 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.

GNSO Guidance Process on Applicant Support

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

- 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

- 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.

GNSO Guidance Process on Applicant Support

GAC Input on GGP Recommendations Initial Report - 25 September 2023

- The GAC supports 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.

GNSO Guidance Process on Applicant Support

- 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.

Recommendation 1 - Communications and Outreach/Awareness

- The GAC supports the intent of this recommendation and welcomes the focus on underserved regions.

- The GAC agrees that an effective communication strategy is a stepping stone for increasing awareness in and implementing a successful Applicant Support Program.

- GAC Members have highlighted the importance of embedding accountability in the communication strategy, building on the indicators for success and collecting the key data and metrics to measure it.

GNSO Guidance Process on Applicant Support

Recommendation 2 – Applicant Understanding – Determining Need/Opportunity and Developing Applications

- The GAC suggests modifying the recommendation as follows:

"That the Applicant Support Program has cultivated **and recruited** pro bono services **and mentoring programs and shared information about them to potential applicants in a way which facilitates matchmaking** as well as ICANN-provided information and services to be available for supported applicants to inform their gTLD applications; that ICANN will communicate the availability of pro bono services and the parameters in which they are offered to potential supported applicants; and that supported applicants report that they found the information and services offered by pro bono providers to be useful".

GNSO Guidance Process on Applicant Support

Recommendation 3 - ICANN ORG Set Up of Applicant Support Program for Success (in Operational Terms)

- The GAC agrees with the recommendation as it is but would suggest – as a small improvement – further clarification of the notion of resources and what it encompasses - especially with regard to the notion of operational readiness.

- The GAC would also like to stress the importance of viewing "necessary resources" as a broad term - not simply in terms of financial backing but to include, for example, human capital put towards the delivery of the program.

GNSO Guidance Process on Applicant Support

Recommendation 4 - Application Submission and Evaluation

- The GAC supports the recommendation as written but would like to emphasize the importance of the word "timely".

- The committee strongly supports the idea for ICANN org to develop ICANN Learn modules that detail everything applicants need to know for submitting their applications.

- These modules should also be made available in a timely manner.

Recommendation 5 - Contracting/Delegation

- The target of 0.5% of successfully delegated gTLD applications is considered by many governments as not being sufficiently ambitious in keeping with the intention to increase in the next round of applications for new gTLDs the number and geographical distribution of applications from underrepresented or underserved regions.
- The GAC would be in support of setting a significantly higher target.

GNSO Guidance Process on Applicant Support

Recommendation 6 - Ongoing Operations of the gTLD

- The GAC supports the recommendation as written

Recommendation 7 - Allocating Financial Support Where There is Inadequate Funding

- The GAC supports the recommendation as written and the committee understands the choice made to follow the principle of fairness and not carry out a prioritization exercise between applicants in case of inadequate funding
- GAC notes it is important to be aware of the risks that the fairness approach implies.
- Applying equal fee reduction across candidates can lead to crowding out the "least resourced" applicants, thus affecting more, those who are already the most disadvantaged.
- Governments understand the difficulties that setting up a prioritization exercise would entail, but wonder whether it is not worth the effort to discuss this further.

GNSO Guidance Process on Applicant Support

Recommendation 8 – Minimum Level of Support

- The GAC supports this recommendation as written.

- The GAC emphasizes the importance for ICANN to work on a plan to mitigate the risks of any support being diluted to the point of not being helpful at all. T

- he GAC would also suggest a slight amendment to the final sentence of the recommendation to change "a plan if funding drops below that level" to "a transparent plan in consultation with the community if funding drops below that level".

Recommendation 9 – Flexible, Predictable and Responsive Program

- The GAC supports the recommendation as written and wishes to highlight the importance of providing an early indication of support to applicants when this is feasible.

GNSO Guidance Process on Applicant Support

- **Next Steps**

The GNSO Guidance Process is currently reviewing all feedback received via the public comment proceeding.

- **Further information:**
  - ➢ [Public comment proceeding](#)
  - ➢ GNSO Guidance Process on Applicant Support - [Wiki space](#)

GAC/GNSO/ALAC Dialogue on Closed Generics - Status Update

Jason Merritt, Canada
Jorge Cancio, Switzerland

3. Closed Generics - Update on GAC/GNSO Facilitated Dialogue

- 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 Participants:

  - ✓ Manal Ismail, GAC Chair
  - ✓ Jorge Cancio, Switzerland
  - ✓ Jason Merritt, Canada
  - ✓ Ronke Sola-Ogunsola, Nigeria
  - ✓ Nigel Hickson, UK
  - ✓ Ian Sheldon, Australia

- The facilitated dialogue group shared a draft framework with the ICANN community for review and input at ICANN77.

- GAC members submitted input to the draft framework on 15 July 2023.

3. Closed Generics - Update on GAC/GNSO Facilitated Dialogue

- 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.

3. Closed Generics - Update on GAC/GNSO Facilitated Dialogue

- Prior to ICANN78:
  - The GAC and ALAC Chairs submitted a joint letter to the ICANN Board outlining their position.
  - The GNSO Council submitted a letter to the ICANN Board on XX Date.

For GAC Discussion:

- 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.

GAC Discussion/Questions

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