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ICANN77 | PF – Joint Session: ALAC GAC and GNSO Facilitated Dialogue on Closed Generics (1 of 2)  
Monday, June 12 2023 – 09:00 to 10:15 DCA

TERRI AGNEW:

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MARY WONG:

Thank you, Terri. Hello, everybody. Welcome to the first of two sessions, as Terri said, of a joint session between the GAC, the GNSO, and the ALAC on the topic of closed generic gTLDs. My name is Mary Wong. I'm the Vice President for Strategic Policy Development at ICANN, and I am going to set the scene for you in what is really going to be a discussion and presentation of the work that this group of cross-community participants has engaged in for several months. On behalf of ICANN Org and the board, I want to thank all the participants for all the good work, and we look forward to receiving input from each of your community groups and others in the community and by the deadline that you'll hear a little bit about during the course of this presentation.

What I want to do actually before handing you over to our facilitator, Melissa Peters-Allgood, is to give you a little bit of the background of how we got here. About, what is it, a year or so ago? In March 2022, the board wrote a letter to the GAC, the Governmental Advisory Committee, and the Generic Name Supporting Organization, or GNSO Council, inviting the two groups to embark on a facilitated dialogue on this topic. Prior to that, however, and for those of you who have been following the policy activities at ICANN for some time, and you may remember something called the 2012 New gTLD Program Round, there was something called an applicant guidebook that laid out the rules for the gTLDs that were launched in that round. That applicant guidebook did not include specific guidance, and there was no specific policy recommendation concerning the management, the handling, and the application and evaluation of closed generic gTLDs.

This implicitly meant that those were allowed, but the GAC at that time identified a number of strings and applications that were proposing

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exclusive registry access, and we'll talk a little bit about these terms in the course of today, and issued advice through a communique in April 2013, which you see here on the screen, and I'll quote, that for strings representing generic terms, exclusive registry access should serve a public interest goal.

The board took action on the GAC advice in respect of those applications that did indeed represent these closed generic gTLDs for the last round, and subsequently asked the Generic Name Supporting Organization Council to consider this topic as part of its policy development work for the next round, which is what we are embarking upon in the next few years.

The policy development process that was kicked off by the GNSO Council did discuss the topic, but ultimately did not reach community consensus on a policy for this topic, and thus we had the invitation that I spoke about from the board to the GAC and the GNSO Council to try to get to a framework that could be used for policy development work, or I should say additional policy development work on this topic.

The Governmental Advisory Committee and the Generic Name Supporting Organization accepted the board's invitation, and here we are some months later after a lot of hard work, as I said, by the participants that were appointed by the GAC, the GNSO, and the ALAC to participate in this work. And so, as I said, that is the background to the work. You'll hear from the participants as well as our facilitator, and we invite you to provide feedback on the draft framework that was circulated to the community last week, and if you don't have a copy of

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that framework, it is listed in a link to the session description for today's session as well as tomorrow's. So, Melissa, I believe now it's over to you.

MELISSA PETERS ALLGOOD: Thank you, Mary. My name is Melissa Allgood, and I facilitated this dialogue. So today I will introduce you to our dialogue participants, to the process that we took, and will support your discussion of the draft framework. But before we move into all of that, it's important to note that this dialogue was a brainstorming exercise. The purpose of this brainstorming exercise was not necessarily to revisit the positions of various appointing organizations, but rather to collaborate to build a workable approach for future policy efforts. And we will certainly get into more of that later.

But before we do that, I'd like to have all of our participants who are joining us here today to introduce themselves. I'll ask that we start to my right with Ronke.

ADERONKE ADENIYI: Good morning, everybody. My name is Ronke Adeniyi. I'm with the GAC. I'm from Nigeria. I work with the Nigerian Communications Commission, and it's nice to be here. Thank you.

KATHY KLEIMAN: Hi, everyone. Thank you, Melissa. I'm Kathy Kleiman. I'm a professor at American University Washington College of Law. I hail from the GNSO, the Generic Name Supporting Organization, and its Non-Commercial

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Stakeholder Group, and I'm a co-founder of the Non-Commercial Users constituency.

**PHILIPPE FOUQUART:** Good morning. My name is Philippe Fouquart. I work for Orange, French-based service provider. I'm with the ISPCP, and I was appointed by the CSG for this dialogue. Thank you.

**JOHN MCELWAINE:** Good morning. I'm John McElwaine. I'm the GNSO vice chair. I was appointed to serve as a liaison to this facilitated dialogue, and I'm a member of the IPC.

**MANAL ISMAIL:** Good morning. My name is Manal Ismail. I'm GAC representative of Egypt, chief expert at the National Telecom Regulatory Authority of Egypt, and one of the six GAC representatives on the facilitated dialogue. Thank you.

**NIGEL HICKSON:** Yes, good morning. Thank you, Melissa. So I'm Nigel Hickson. I'm the UK GAC representative. I work for the UK government in the Department for Science, Innovation, and Technology, I think. Thank you.

**JEFF NEUMAN:** Hi. My name is Jeff Neuman. I'm a founder and CEO of JJN Solutions, and I also work for .hiphop, but I was appointed by the GNSO for one of

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its spots because of my role as one of the former co-chairs of the SubPro PDP working group.

**SOPHIE HEY:** I'm Sophie Hay. I was appointed by the Registry Stakeholder Group. I'm employed by Com Laude, and I work with .brands and restricted TLDs from the 2012 round.

**MELISSA PETERS ALLGOOD:** Let's head over to Jason.

**JASON MERRITT:** Good morning, everyone. My name is Jason Merritt. I'm the GAC representative from Canada. I work for our Department of Innovation, Science, and Economic Development, just as complicated as the UK's, I think, and I'm a senior policy adviser in the international telecom and internet branch.

**IAN SHELDON:** Good morning. My name is Ian Sheldon. I am the Australian GAC representative, one of the handful of GAC appointees to this work effort. I'm from the Australian Government Department of Infrastructure. Thank you.

**ALAN GREENBERG:** I'm Alan Greenberg. I was appointed by the ALAC as a largely silent participant as an alternate, and I'm the former-former ALAC chair.

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**GREG SHATAN:** Hi. I'm Greg Shatan. I was appointed by the ALAC as the primary participant and the person who channels Alan Greenberg's deepest thoughts. I am currently the chair of NARALO, which is the North American Regional At-Large Organization, which is part of At-Large and which represents the interests of end users in North America. So welcome to North America, everyone.

**ALAN BARRETT:** Hello. My name is Alan Barrett. I'm a board liaison to this group. I was appointed to the board by the ASO, and my background is mostly in the ISPs and the IP addressing community.

**PATRICIO POBLETE:** Good morning. My name is Patricio Poblete. I work for Nic Chile, and I'm a board member and liaison to this group. I was appointed to the board by the ccNSO.

**MELISSA PETERS ALLGOOD:** And we have two members unable to join us today. We have Jorge Cancio from the GAC and Arnaud Franquinet. Those two participants are not here to join us today. And Jorge was the representative of Switzerland, and Arnaud is from the GNSO.

So as Mary outlined a few moments ago, this group was tasked with attempting to make progress on an issue that's been largely stuck for approximately ten years. In an attempt to move the topic forward and support a robust exchange of ideas, this group was structured as a brainstorming exercise, as I mentioned a few moments ago. And the

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work itself was built in such a way that participants could build from the outside in, so to speak, moving from big picture into details while identifying commonalities at each stage and building upon them.

So the first task that the group took on was to establish participant commitments. These were commitments or promises that each participant agreed to make to everyone else in the group and to the process itself. Participants deliberated on these throughout November and into December of 2022. And some highlights of those participant commitments include a desire of the group to have a strong emphasis on asynchronous work. This was to ensure that this effort moved expeditiously.

The second point of note was the use of Chatham House Rule. This was to ensure that our participants were able to freely exchange ideas within this brainstorming exercise. And again, this was all in an attempt to break the stalemate and move this work forward in a different way. So the group found agreement on these participant commitments, and this set the stage for a collaborative working environment on the substance.

And in December of last year, the group did in fact move into that substance, again, utilizing this approach of building from the outside in. The group met weekly for 90 minutes via Zoom, and each session discussion then drove the asynchronous work that happened in between those weekly meetings.

Participants' discussions began with identifying needs, and these were defined as desires, concerns, questions, and fears regarding closed



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generic gTLDs. And then as the group identified these, alignment and divergent needs emerged and were discussed.

From there, the group brainstormed on where closed generics may be appropriate and where they may not be appropriate. Just as with needs, the group found alignment and divergence and explored those areas.

Next, the group identified unique opportunities, challenges, and characteristics of closed generic gTLDs for end users, registrants, and or business. This discussion then led into a brainstorming exercise identifying examples of how a closed generic gTLD may work in practice. And the group then discussed how these use cases, these examples, relate to the public interest while keeping in line with the GAC Beijing advice.

The group established high-level framework assumptions at this stage and identified the unique characteristics of closed generic gTLDs that differentiate them from existing gTLD models.

So in January of 2023 of this year, the group met face-to-face for two days here in Washington, D.C. And during this intense effort, three distinct work areas emerged. The application, the evaluation, and contracting/post-delegation. You will hear more about each of these when we move into our discussion of the draft framework itself.

While in D.C., significant time was spent working on the public interest, including application of the ICANN global public interest framework. Participants utilized small breakout groups for more brainstorming and

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had focused exchanges on specific topics, really maximizing this time that they spent together.

As we moved into February and March, the group continued these topically focused discussions, including such topics as definitions, threats and risks, and a continuation of the dialogue around the public interest. The group worked asynchronously during this time as well as face-to-face at ICANN 76 in Cancun.

In April of 2023, the group began discussing a strawman document that encapsulated all participant inputs to date. And this work involved participants sharing areas of both broad agreement as well as areas of significant concern. We called those red lines. And these were about specific draft framework elements at this stage. This allowed the group to then engage in focused discussions about specific red line issues.

These discussions continued throughout May, when the group began meeting twice per week. The group held their final meeting on the 7th of June and agreed to share this draft framework for community review and input. Throughout this work, the group has strived for broad understanding and emphasized areas of commonality, while ultimately seeking compromise that everyone could live with. This was the standard that was applied when discussing draft framework element and those red lines I mentioned.

This is what allowed participants to reach the broad understanding such that this draft framework could be circulated for community review and input. This process involved a significant commitment to collaboration, to cooperation and compromise in order to make

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progress on this issue where the community has been unable to find a path forward for approximately a decade.

Before we turn our discussion to the draft framework itself, I'd like to hand the floor to our participants for comments on the process. Participants, please signal to me here in the room if you'd like to speak. And a reminder to our observers here today, you will have a chance to ask questions after our dialogue participants have concluded any inputs they have on the process. So the floor is open. Would anyone like to kick us off?

MANAL ISMAIL:

Thank you, Melissa. Thank you, everyone. Yeah, I was not planning to be the first to speak, but it's good to break the ice. So, Melissa, you've covered it very accurately, the process. So this draft framework represents the work of the dialogue group to date, which we agreed could be shared with the community at this stage for consultation and feedback. We participated in individual capacities, but also bearing in mind the views of our groups.

So from a GAC perspective, our utmost priority was the public interest, of course. So we were revolving all our discussions around the public interest, but also making sure all relevant information will be made available, clear, and easy to access, and allowing enough time for public comments, also monitoring the post-contracting monitoring to make sure the applicants continue to fulfill their commitments.

So just a few highlights on the things we were focusing on from a GAC perspective, of course, among others. I don't have an exhaustive list. As

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you rightly mentioned, Melissa, we categorized the elements into three phases, the application evaluation, and contracting, and post-delegation. We identified our disagreements, discussed mutually acceptable compromises, and for the remaining strong disagreements, the approach was different in order to be able to conclude and try to have a ready draft framework by ICANN 77. So we switched to identifying more of concerns and red lines.

So the framework is not 100% of anyone's full requirements or wishes. It's far from being what the dream framework of anyone, but at least it puts us back on discussion. And I cannot stress more the importance of the feedback from the community, because I believe this will be the guiding principle to our next steps. So this is where we stopped at the discussion, and we would like to seek feedback and guidance from the community to be clear on the next steps.

So before handing over, I would like to thank the board for the initiative. I think it's a good example of active leadership without really interfering or compromising the bottom-up nature of the organization. And thank you, Melissa, for the excellent facilitation. I know it was not easy, and everyone for the flexibility and the constructive spirit. And of course, ICANN staff and the policy team, they were instrumental in compiling the draft proposal. I'll leave it at this. Thank you, Melissa.

MELISSA PETERS ALLGOOD: Thank you, Manal. I'm going to hand it over to Alan Greenberg now.

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ALAN GREENBERG:

Thank you very much. I won't repeat what Manal said. She covered a lot of what I would have said and probably better than I would have. I want to emphasize the need and the desire for good input into this process. As you read the document, you'll find there are things that are perhaps not as crisp as they could have been. The group was under a timeline that was, I'll be kind and generous and say it was tight and hard. It probably was insane, and I don't think the timeline allowed us to truly do justice to the problem. But it was what it was, and we met it.

You'll note, among other things, there's a list of topics we didn't discuss or we discussed minorly. There were some really difficult discussions that we came to closure on. There were also some difficult discussions that we absolutely shelved, said, we're divided on this. We're not going to talk about it. Some of those, in many of our minds, are really critical issues. So read what we've said in our recommendations, read what we haven't said, and make sure that you're comfortable with what will come out of this as something that will support the overall needs of the community.

How we proceed after this with some level of GNSO policy process is going to be also crucial. We don't know what that is going to be structured as, nor do we know who will participate or how we will participate. So all of those are unknowns. But we're part way through a process. We'll see where it leads. Thank you.

MELISSA PETERS ALLGOOD: Thanks Alan. Greg.

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GREG SHATAN:

Thank you. Greg Shatan for the record. I'd also like to just comment briefly on what we'd like to get back in terms of feedback, or really suggest a way, not the way, but a way to look at the preliminary report and framework that's in front of you, which is to pull back from the granular items that are there to look perhaps at larger patterns or approaches. I would say that it appeared to me at least that there were largely two approaches that were, or maybe a spectrum between two approaches that was being considered, and we came to various points on that spectrum.

But one approach was more, I think, concrete. I'd analogize maybe higher guardrails and a smaller highway, and another one with, say, lower guardrails and a wider highway, to the extent to which requirements are easier or harder to meet, the extent to which, or there are a lot of requirements, the extent to which things will be treated as red lines versus yellow or neutral, I guess beige is the word for that these days, lines in terms of things.

So while we certainly do want comments on the individual ideas, I think it would be helpful to look overall at whether you see, each of you, what you think of the approaches that you might see here, or the approach, which is kind of a combination here, what approach you would endorse, where you'd like to see this all end up, what concerns you might have with the approach that you wouldn't hope that we would have. So I think that that would be very helpful.

I don't know if we ever put in writing a kind of dichotomy, but it might be apparent. And in many cases we came to convergence. In other cases, we identified the issues of convergence. But I think if you look at

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the forest rather than just the trees, we'll get some even more useful feedback from the community. Thank you.

MELISSA PETERS ALLGOOD: Thanks, Greg. And I see a queue has formed of our participants. Just a reminder, kind of talking high level again about the process and certainly where we landed. We will be moving through the three blocks themselves. So if you have inputs on specifics, let's hold those. With that, Nigel.

NIGEL HICKSON: I would just like to emphasize a few points that Manal and others have covered. First of all, it's been a privilege to be a GAC representative on this group. As Manal said, thanks go to the board for, if you like, trusting us or empowering us to work in this way. And thanks go to Melissa in particular for coordinating us, leading us, beating us. No, you're not allowed to say that. But dragging us to a place where we got. And thanks so much for the excellent support that we had from the staff.

This hasn't been an easy exercise in any way. And some of us, I suppose, especially from governments because of our public policy background, some of us in competition, some of us in other areas of public policy, came to this discussion with a good degree of skepticism. Some of us that lived through the 2012 round and the preparations for that knew that this was not going to be an easy task. If it was an easy task, it would have been done by now. It would have been done before the SubPro process or it would have been done during the SubPro process.

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Some of us perhaps thought that to try and define what a public interest goal was, was going to be very difficult indeed. Would that public interest test be so narrow that no closed generics at all could get through that ring? And some of us were perhaps skeptical on that. But through the work that we've done, through the discussions, through the open dialogue, the ability to come together face to face, the ability to work through fictitious examples, we all had lots of fun working up examples. But some of those examples did show us that there was indeed a case to be made for some closed generics.

So this is a draft that we're sharing here. As others have said, it's not a perfect draft. It's an initial draft. Please give us your comments. Please input into it. Please don't trash it. But please, constructive input is so important. We're going to come back together again as a group and look at the comments and hopefully produce something final in due course. But it's been a privilege to work on this and thank you so much for this opportunity.

MELISSA PETERS ALLGOOD: Thank you, Nigel. Jeff. Thanks.

JEFF NEUMAN: I was probably known as the troublemaker of the group. And so I certainly was not a silent participant. On the process, I want to say that in the future, I think using Chatham House rules should be highly discouraged. I think that it created a lot of suspicion within the community that we were in some secret kind of consortiums trying to create something. And I think that just gave the wrong impression. A lot



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of us, I think, are comfortable with whatever we said in the group to have it said in public. And I would hope we'd get to a point where everyone would feel that kind of comfort. And understanding that when government members are participating, they're not participating in their governmental capacity, but in their individual ones. And so maybe at some other point, some members of the GAC that were participants could explain why, and totally understandable, why they were concerned about not using Chatham House rules. But I would love it if at some point, if there were ever something in the future like this, it would be great not to use Chatham House rules.

As the person there from SubPro, I think it's fair to say that not everyone in the group was as familiar with the discussions of SubPro, not just on closed generics, but on everything else in the process. And so personally, I felt that we engaged in discussions that had already been covered by SubPro. And I think that there's some recommendations that we'd love the community to look at to see where there may be a lack of consistency, if that is okay, or if that is an issue.

I also want to make the point that the agreement from the group was to put the draft out for comment, not that everyone in the group agreed with everything that was in there. I think it's very important to make that clear. And there are areas where I personally disagree with, and I'm sure there's areas where many others disagree with as well.

The other thing I want to cover is, because I think a previous speaker raised it, is that there is an appendix that has got a list of topics. And I think a previous speaker said, well, they're there because we just didn't have time for it. And I think that's not the right way to look at it. I think

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they're there, or they said either we didn't agree on stuff, or we just didn't have time for it. That list of questions came out of a brainstorming exercise that Melissa had talked about, which was, hey, throw out any questions you think or ideas that may have some relevance to closed generics. And everyone kind of submitted like this just big list of questions. And some of them are on there because we didn't have time, sure. Some of them are on there because many of us felt they were out of scope for our group. Some are on there because many of us felt that they were covered already in SubPro. So there could be a whole bunch of reasons why they're on there. And for future work, it should be kept in mind that that list is nothing more than us providing transparency in questions that came up. They're not meant in any way to say that these topics need to be looked at in the future, although arguably I'm sure some of them do. So whoever's drafting the charter on this, for future work, they need to keep that in mind.

And then the last point, which I would love feedback on, is a view from applicants. And the group is probably sick of me making this point. But yes, we have a framework on paper that may look kind of okay. But whether this framework looks like anything any applicant would ever apply for is something I think we need community feedback on.

Because I think when we started these discussions—and if I'm saying something out of line, let me know. But when we started these discussions, I think while many were skeptical that any closed generics should be allowed, others of us were of the view that we would love to have examples in the next round, even if it's just a couple, so that we can properly analyze whether a closed generic would do all these harms that some people believe that they would do. Without any closed

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generics actually being delegated, we'll never know, and it would just be all theory. So I would love community feedback from people that have either been applicants, thinking about being applicants. Is this something that you could or anyone could or would apply for? Understanding a couple key points.

Unlike communities, where if you get a community status, you'd have some sort of priority. If you are allowed to operate a closed generic because you pass all the eligibility and what not, that's not going to give you priority. You're still going to be possibly in string contention and do all that. So with all that in mind, it would be great to get feedback from prospective applicants as to are we going to, if this were the framework, are we going to get any applications? Or are we going to get too many applications? It could be the other way around. So thanks. I just want to leave it with that.

MELISSA PETERS ALLGOOD: Thanks, Jeff. Philippe.

PHILIPPE FOUQUART: Thank you. At a very high level, I'd like to go back to two points. The original question that you reminded us, Melissa, from the board, which was an obligation of means, as it were, communities come up with something that we could rely on for policy work moving forward. I think there are certainly things that can be tweaked in what we came up with. People might say, we need more of this, less of that, and they're sort of liberal versus conservative spectrum. But I'm confident that it still constructs a medium for the framework.

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The second is on the process. And just to build on what Jeff just said, this was an unusual effort. And there's certainly room for improvement in terms of transparency. We could have done that with hindsight. We could have done that at the very beginning. But also with hindsight, we did that in six months, which is sort of a blink of an eye in ICANN standards. Had we had a representative model, it would have lasted 18 months. So I think I'm glad that we did that. Otherwise, we'd still be working on it. Thank you.

MELISSA PETERS ALLGOOD: Thanks Philippe. Jorge Cancio of Switzerland has joined us. Jorge, prior to your joining, your fellow participants introduced themselves. So feel free to do so as well and then take the floor for your points.

JORGE CANCIO: Hello everyone. I hope you hear me okay. I'm just in transit. So maybe there's a bit of noise from the highway. I am Jorge Cancio from the Swiss government. And I have the privilege of being one of the six people from the GAC taking part in this effort. In the past, I also participated, not so much as Jeff, of course, in SubPro and other efforts.

So just let me share some thoughts with you at a high level. And I hope I don't repeat too much of what I missed in this discussion. So first of all is, as others have underscored, this is a very hot issue, a very hot topic. We've been unable to solve this before. And as Philippe said, we've spent now a bit more than six months on this. And we have reached some draft understandings, let's say, on this issue. I think that the facilitated approach, the facilitated dialogue has been very, very useful.

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So I commend the board for taking this initiative. And also, of course, staff and Melissa for their huge efforts.

We have to be mindful that no solution, no approach, no framework will be an optimal solution. The optimum is always the enemy of the good, especially in this multi-stakeholder environment. So no one, no party, no stakeholder group, no sub-stakeholder group, no government individually will have a hundred percent of their goals being met by any solution. Otherwise, it wouldn't be a consensus or a pre-consensus solution. It wouldn't be a multi-stakeholder solution because there's always a give and take here. It's more than the least common denominator. And this was always very important for us, for the GAC members in this dialogue that we have really substance in the framework that at a high level, make sure that if we go forward with closed generics, that they really serve a public interest goal.

And as said, this is the first step. We, of course, have to hear your comments and then see if we can agree on a final framework, which is endorsed by our SOs and ACs. And then we would of course have policy and implementation. So let's keep also the expectations on the framework at the level where the framework is, which is high level. And later on we will have policy, etc.

And on substance, really from our side, the Beijing advice was our guiding star, but we had to put really substance on this, flesh on the bones, like putting the burden of demonstrating many things on the applicant, having a strong nexus and balance between the closed character of the top-level domain and the public interest. The public interest is something that goes beyond in any case of the private or

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commercial interest of the applicant. And we have also tried to establish clear guardrails to avoid anticompetitive behavior. So I hope that this is a beginning and that we receive constructive feedback, as Nigel said, and that we can continue in this vein of having a good multi-stakeholder cooperation. Thank you, everyone.

MELISSA PETERS ALLGOOD: Thank you, Jorge. And just to note to everyone in our session today, we're going to finish the queue of our participants sharing their comments and inputs, and then we will be opening up for any questions on what you've heard here so far today, or specifically about the process. So I would like to note, one of our observers here today, you have your hand up, but we're going to go ahead and get through our participants first. So with that, Jason.

JASON MERRITT: Thank you. A lot of great comments. I think what I have to say might seem a bit superficial at this point, but I just wanted to step back and talk about the process a bit for a second, and what a fantastic one it was, and what a really great initiative that was undertaken in terms of true sort of multi-stakeholder engagement across the communities to tackle an issue that is clearly a very difficult issue to address.

But in terms of being able to participate in advance of sort of any kind of output or follow-on policy process in order to try to shape things, negotiate, talk about some of these complex issues across the community, it was a really fantastic experience. As somebody who has probably quite strong views on the topic, on the output, on the future

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work and things like that, I cannot take away anything from the actual process in this, and I think that it's a very good thing from a model perspective in terms of how ICANN can perhaps position other discussions.

We've got 15 pages here that is a lot of really hard work from a lot of really busy people on a topic that hasn't been able to be addressed meaningfully in over a decade, and I think that's a testament to how this was organized and ran, and hats off to ICANN, to all the staff, to all the participants who willingly come together and spend your time working in this.

So, yeah, without getting into some of the details and things like that, I really wanted to hammer that point home that I think that from a community perspective, this was a really great opportunity, and it should be sort of acknowledged. And from an observer perspective or things like that, you should think about these types of processes in the future and how you can potentially be involved, because as difficult as it could, . These types of things are how you address meaningful pre-policy or policy issues in a true multi-stakeholder way. The Government of Canada has always been extremely supportive of multi-stakeholderism, and we are extremely happy to be part of this, and yeah, just wanted to leave it there. Thank you.

MELISSA PETERS ALLGOOD: Thanks, Jason. Now over to Sophie.

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SOPHIE HEY:

Thanks, Melissa. Again, I'm going to just keep this very brief, probably more superficial comments like Jason made, and I want to focus instead of the process overall, which I want to echo what Jason said about this being encouraging and that would be for the multi-stakeholder model. I would encourage people to offer concrete suggestions on what's in the framework. What is it that we've missed in particular? And sort of view this as a sanity check. What doesn't make sense and why doesn't it make sense?

But at the same time, I would encourage everyone to remember this is a compromise, right? So it comes back to that idea of it's a camel, a horse designed by committee, okay? And this camel, you know, it has a few genetic mutations, right? So having said which, it's important that what goes into this is communicated clearly, it can be implemented, it can be functional. So be scrupulous in your review of this. You know, what is it that's missing? And give us some common sense feedback on what it is because we've been embedded in it and we need to hear those alternative views.

MELISSA PETERS ALLGOOD: Thanks, Sophie. Kathy.

KATHY KLEIMAN:

Thanks so much. And following up on Sophie and the invitation, I will end by also inviting everyone to comment on this. I wanted to provide a different sense of the background of what brought us here. There was a huge outcry about closed generics in 2012, 2013, 2014. We certainly heard from the Government Advisory Committee and dozens and



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dozens of early warnings as well as got consensus advice. The board then opened a comment period and we heard from industries and booksellers and distributors and lots of other businesses and industries and organizations around the world that there are real competitive concerns about the use of generic words that represent entire businesses, industries and organizational sectors.

So we have come together, we were asked by the board to find a middle ground, not doing what we did in the first round, which was barring all closed generics, and not allowing everything in. As Greg said, the question is how wide the lane is. And we've given you a shot. This is just a framework. It goes on. This is input into a policy development process. So I'm already hearing that people are asking for all the details. The details will be made by the GNSO. There aren't a lot of details here, but what we've given you in three parts, the application process, the evaluation process and our thoughts for the framework of contracting and post delegation. We would love your input on what's good, what's bad, what's missing. And as Melissa used to ask us almost every meeting, can you live with it?

And as Jeff put out a call to future applicants, I put out a call to future end users or current end users and governments and communities. Is this something you can live with? Is there enough room? Is there enough time to participate in a meaningful way? Will the businesses, industries and organizational sectors of your countries and communities and regions be able to participate with us, with an organization they've never heard of before that may be creating a gTLD, a string that's very important to their sector?

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So we give you our baby and we give it gingerly to you and hope you will share with us this process and we look forward to your thoughts.

MELISSA PETERS ALLGOOD: Thanks, Kathy. Ronke.

ADERFONKE ADENIYI: Thank you, Melissa. Thank you, everybody. A lot has been said around the table. I'd like to commend everyone, every member of this working group. Like Jason did say, we're all very busy people. We've put in time, sweat, we've argued, we've compromised, there are red lines, we've felt the temperature of the room and all of that. So well done and well done to Melissa and the ICANN team. Thank you so much for this great job.

I'd like to start off with Jeff, what Jeff said. Jeff did say, well, we may say he's the noisy one or the troublemaker of the team. I would say maybe I am the gentle one and let me say like the someone that brings in a balance in the team. So I'm coming from the position of multi-stakeholderism. I know that we all have various backgrounds as this committee, like Kathy just said, diversity, inclusiveness.

I come from Africa, Nigeria. My name is Ronke, for the record. And I'm coming from a developing nation, the most populous. Sometimes, like we did say around the table, we're coming from our perspectives as government, as end users, or as policy makers. So there's a need for me to constantly echo that overarching subject, public interest. And that is what government is all about. We need to ensure that everybody's interest is well protected or catered for.

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And when we come to the close generics, like Jeff did say, are we going to get any applications? Are we going to get too many applications? We don't know. These are still in theories. Whatever it is that we are talking about, we still need to test the waters.

And coming from the angle of diversity and looking at 10 years ago, how many applications did we get from Africa for the new gTLDs or some other developing parts of the world? So there's a need for greater awareness. And in talking about public interest, we did say there would be, of course, the end user expectations. Like Kathy did say, we need to be aware. And we also know that the registrar needs to have his own obligations also when you're providing the services, so to speak.

I would not stop talking until I add my voice to that of everybody. Feedback is important. We have done. We've tested waters. We've compromised. We've agreed. We've reached convergence. But we still need your feedback. Thank you.

MELISSA PETERS ALLGOOD: Thank you, Ronke. Alan.

ALAN GREENBERG: Thank you very much. Just one brief follow-on to what Kathy said. There's not a lot of details. This is a framework. It's not the policy. However, that being said, there are probably items that are talked about vaguely or without a lot of clarity in this report that may, in your mind, make a difference. That is, if you go one way, it's fine. If you go the other way, it makes the whole thing intolerable.

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So as you're reading the report, where you see vagueness, which is intentional, but if you feel the answer to how it's going to be settled by the policy process is critical, say so. Because nothing restricts us from saying something more specific if it's important. The bottom line is we have to believe that what comes out of the policy process, which is a long path forward, is going to be acceptable. We don't have crystal balls, so we need to be specific enough to make sure that we're putting the right guide rails on. Thank you.

MELISSA PETERS ALLGOOD: Thank you, Alan. Before I open it up to questions from our observers, are there any other members of our group that want to say anything? All right. With that, Terri, I hand it over to you to navigate our participant questions.

TERRI AGNEW: Thank you, Melissa. We will now take questions from the community. For those in the room, please raise your hand and a microphone will be brought to you. For those who are remote, please raise your hand and zoom. Please wait to be called upon and reminder to state your full name. While we're waiting for questions in the room, we do have one remote speaker currently to ask a question. [Navaldo Clito,] your mic is open. Please ask your question. All right. I'm not hearing anything from Navaldo. We'll go ahead and go to the room. We do have from Anne Aikman Scalese. Please go ahead.

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ANNE AIKMAN SCALESE: I'm a NomCom appointee to GNSO Council, non-voting. I was really hoping that since not everyone in the room may have a true understanding of what is a closed generic, we have new attendees, we have folks who probably haven't read specification 11, I was hoping that someone would actually offer the current definition of closed generic.

TERRI AGNEW: Thank you. And who from our panelists would like to answer that? Jeff, go ahead.

JEFF NEUMAN: Okay. So, specification 11 sets forth the implementation of the GAC advice, which the board had basically said that they were going to put a moratorium, I guess is the best way, on closed generics. So, there's a provision in specification 11 that is probably best if someone pulls it up and maybe can display it. But essentially, it defines closed generic and defines the term generic as... Can someone pull it up? Because I don't want to misquote it. I thought the question was why didn't we use a better definition. But, okay. Sorry. So, it's best if someone could pull it up. No?

TERRI AGNEW: Ronke, would you like to take it?

ADERONKE ADENIYI: Yes. Okay. So, I recall we had a document in September, 2022, that did kick start. That's our problem statement document. And it's clearly stated the proposed definition, what Jeff is trying to say, spec 11. It says

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closed generic gTLDs, also sometimes described as gTLDs with exclusive registry access, are understood to be gTLDs representing a string that is a generic name or term under which domains are registered and usable exclusively by the registry operator or its affiliates. So, that's what Jeff was trying to refer to, the spec 11 section (3)(d). I hope that addresses the question.

**TERRI AGNEW:** Thanks, Ronke. Thank you. We do have a question from a gentleman. Thank you.

**JIM PRENDERGAST:** Hi. I asked in the chat, but I'll read it out loud. The announcement says SO/AC groups are invited to provide feedback, blah-blah. Is feedback limited to SO and AC groups, or are you soliciting feedback from individuals as well?

**TERRI AGNEW:** And who from the panelists would like to answer this question? Mary.

**MARY WONG:** I'm actually not on the panel or in the group. So, from the staff team supporting the dialogue, I see that many of our participants are welcoming feedback from all individuals. I do want to say that this is not a formal public comment proceeding, because this is not a formally charted policy development process, but including comments from all, as the panelists have said, will be welcome. But we do hope that the SO/AC groups will also provide their feedback, particularly those that

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are participating in the dialogue, as this will set the scene for the policy development work to follow from the GNSO.

TERRI AGNEW: Thank you. Jeff, I saw your hand raised.

JEFF NEUMAN: Yeah, I was just going to say, I think all of us would appreciate any input we can get, whether individual, entity, group, whatever. We're all on here as individuals, so I see no reason why we would not take input from individuals. Especially in response to what I had said earlier, we would love input from potential applicants, or as Kathy said, potential objectors. I want to use the right term. End users, not objectors. Sorry, end users. Although the problem is, yeah, prospective end users, sure. So, yes, so individuals are encouraged, otherwise we won't get that kind of input.

TERRI AGNEW: Thank you. And I do believe we have a question from this side of the room.

MISTURA ARUNA: I was actually going to talk about the feedback before he took it, but I was going to ask again, is a questionnaire going to be designed? Because I feel questionnaire being designed, we give a very good feedback from everyone apart from the community. Thank you.

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TERRI AGNEW: And who from the panel would like to answer this one? Sophie?

SOPHIE HEY: So I think what you're referring to is that in a lot of public comment periods, they have set questions for people to go through and review. I will say, from my perspective, we don't have that for this one in particular, in that same structure, because we spent so much time trying to get that substance out. So what I would encourage you to do, though, when you're reviewing it, is use that same pattern you've seen in public comment. Do you like this language? Do you not like this language? Would you recommend changes? And if so, what? Are you okay with the principle or not okay with the principle behind it? So I would encourage you to use the same structure, but given as was referred to, this isn't the formal policy, and so it's a little bit different for the public comment process. Again, have a framework to review the framework, is how I would describe that.

TERRI AGNEW: Thank you. And Greg, I believe you have something additional to add?

GREG SHATAN: Yes. I would also say that in certain of the points within the framework, it indicates that we are more actively looking for input from the commenters. So I would certainly, while you're invited to comment on all parts of this, you could also use that as a guide to places where your comments would be particularly welcome and effective. So do look for those points where we've asked for feedback specifically. Thanks.



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**TERRI AGNEW:** Thank you. We do have a question online that was submitted earlier in the Q&A pod that I'll go ahead and read. It's from Elaine Pruis. Please describe the next steps after the group receives community feedback. And if you click in the Q&A pod, we did also get that answered, and the answer was thank you for the question. The group is expecting to review SO/AC community input prior to releasing a final framework for community consultation and endorsement. If the final framework is endorsed by the SO/AC groups, it will be submitted to the GNSO Council for subsequent policy work. Alternatively, the expectation is that this item will go back to the board for a decision for the next round of new gTLDs. Any further questions from the room? Oh, and we have from this side of the room over here one moment please.

**JAMIE MCPHERSON:** Just a question on process. I'm sorry if I missed this. So in getting community feedback on this framework, is this session and the second session the only avenue? Like is there an email address for people to submit written comments?

**TERRI AGNEW:** And once again. And that answers your question? Perfect. Thank you. Paul, I believe you have the mic. Okay, go ahead.

**PAUL MCGRADY:** Thanks. I'm the NomCom appointee for the Noncontracted Parties House. I just, this is a question about something that you just said and

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I'd like to understand what it means. It says that if the SO/AC organizations endorse it, it will then go to the GNSO Council. Does that mean there's a formal endorsement process where we send it out to the SO/AC and ask them if they endorse it? Or does that mean something else? Does that mean the SOs and ACs as represented around this table endorse it? I'm not familiar with the first process at all and don't even know how that would work versus if you mean it informally that the people around this table who are acting in their individual capacities will also act in a capacity for their SOs and ACs in order to endorse it. Just if we can have some clarity on that process, I'd appreciate it. Thank you.

TERRI AGNEW:

Thank you. And I believe John will be answering.

JOHN MCELWAINE:

I think that the intention is for the SO and ACs to provide their feedback and that at that time it would be seen as sort of an endorsement from their various SOs and ACs. Although we're doing this work, not everybody is fully represented in terms of the individual constituencies and things like that. So I don't think it's a formal process, but we would like that feedback to come to the group, which then the group will endorse it. Does that make sense?

PAUL MCGRADY:

So you were looking for an endorsement and a comment from say the GNSO, an endorsement from the ALAC, an endorsement from the SSAC, from the GAC in these public comments and you'll collect the

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endorsements, or the people around this table will read the public comments and deduce whether or not there is some endorsement level, whatever that is, and then everybody around the table said they're acting in their personal capacity, but then they will act for their SOs and ACs at that point? I just don't understand the process. I'm not trying to be a stickler. I just want to understand if there's a major roadblock of having to go out to every SO and AC and get an endorsement before it goes to council. I think that's going to grind this thing to a halt and I think we all want it moving. Thanks.

MARY WONG:

I keep looking at John. So maybe just to take a bit of a step back, as you said, Paul, this is a different process. It is a new process. It is not a formal policy development process. So there is no charter and the participants in this dialogue, I think as Melissa said earlier, are putting together the work to try to come up with something that the community can support and that the policy process that will be formal can take forward. So I would say that the terminology should be less about endorsement or formal sign-off from the groups. I think what the group is looking for, and I'm looking around the table just to make sure I get it right, is to see if the community writ large can support this framework as the basis for additional policy development work. To the extent that an SO/AC group wishes to formally say we as X group support this framework or not or this part or not, that will certainly be very informative, useful and welcome, but that is certainly not required in terms of the comments that the group is soliciting. Does that help, Paul?

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TERRI AGNEW: So we do have a little bit of queue from the panel. So we're going to go Jeff, Alan, Greg and Manal. Jeff.

JEFF NEUMAN: I'd like to just strongly recommend that we take the question offline and not during this, because we're not going to impact what's done afterwards. We're not going to impact SO/AC. We're going to collect feedback. We're going to try to put responses to that feedback and make any changes. What happens from there is beyond the scope of this group, and, not to disagree with ICANN staff here, but I just don't think it's proper for us to say what we as a group are looking for, endorsements. I don't think we as a group are looking for endorsements. I think we as a group are looking to put together a framework and hopefully a responsive framework.

But after that, let's not get into details as to what this group is looking for because that's not true. This group's not looking for endorsements. We're looking to put together a final framework and then this group is done. I also, while, because I have my hand raised, can we, I think it's been raised many times, can we not solicit feedback through an email address that doesn't get posted, the comments? I mean, I know it's not a formal public comment period, but I know that many groups in the past have said not to ever use an email address where people have no guarantee that their comments are in and nobody else can see them. I think it's really important that comments get posted immediately upon filing because of our short time frame. So I'm going to ask that we do that. Again, I'm the troublemaker of the group.

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TERRI AGNEW: Thank you. We're going to take a slight pivot and I'm going to go Melissa, Alan, Greg, and then Manal. So, Melissa.

MELISSA PETERS ALLGOOD: Actually, in the interest of time and certainly through this robust conversation and Jeff's suggestion we take it offline. What my suggestion is going to be at this stage is that the group get together, we're going to clarify our ask. The benefit is that we have a session tomorrow that is an hour and a half long. And during that hour and a half session, we're going to actually go through those three blocks of the framework as I described at the top of the session. We'll be able to take your questions, hear again from the participants with more specificity about areas that they wish to highlight, and we will ensure that there is a clearer answer to this question. Okay? So I think if that's okay, and if the rest of our dialogue participants, if that was what you were going to speak on, I ask that you pop out of queue and we'll take it offline. And will you just flag for Terri if you had other points to speak on and we'll hand over the mic. Thanks.

TERRI AGNEW: Thank you. And just a quick reminder, we have three minutes left of the session. So, Alan, I believe you still had a point.

ALAN GREENBERG: I will be very quick. I just want to point out Paul was confusing the order of the things. The public comment is on the current document. The endorsement or not endorsement is on the final document that may be changed because of the comments. So just the order of things.

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TERRI AGNEW: Thank you. Greg?

GREG SHATAN: And I would just say that I think the use of the term endorsement might be a little unfortunate. Not something we really discussed. I think we're more looking for in the end, did we get it right or did we screw it up? Hopefully we'll get that in the initial.

But since this is intended to be the basis of a PDP, we don't want to hand them something that emphatically is not appreciated by the community. You know, endorsement with a capital E I think probably put too much of a point on the point. Thanks.

TERRI AGNEW: Thank you. And Manal?

MANAL ISMAIL: So nothing much to add. Just to stress the fact that we are seeking comments so that we can refine this draft framework and have an updated version again. So thank you.

TERRI AGNEW: Thank you. I'll now turn it back over to Melissa.

MELISSA PETERS ALLGOOD: Thanks, Terri. So just a reminder, we will be resuming this session talking about the draft framework in a bit more detail tomorrow at

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10:45 local, which is 14:45 UTC, again in this room. So we hope that you can join us and my thanks to all of our participants and all of our observers today.

**[END OF TRANSCRIPTION]**