ICANN73 | Virtual Community Forum – GAC Discussions on Subsequent Rounds
Tuesday, March 8, 2022 - 15:15 to 16:00 AST

MANAL ISMAIL, GAC CHAIR:     Thank you very much, very interesting and informative presentations. With this, I will hand it over to our topic leads on subsequent procedures. Again, thanking Jorge and Luisa for the generous ten minutes lent to the PSWG.

And please, Luisa, GAC representative of Canada, and Jorge, GAC representative of Switzerland, and we have guest speakers from ICANN org, but I will leave this to you both to introduce. Please, go ahead.

LUISA PAEZ:     Thank you, everyone.

I'm just going to make sure my video works well, this is Luisa Paez with the government of Canada. So just to provide you a quick agenda in terms of the items that we will be reviewing and discussing with GAC colleagues today, so we will give you a quick update in terms of the recent developments, then we will turn to our guest speaker from ICANN org from the global domain strategy team that will give us an update on the subsequent procedures operational design phase. Then we will turn it over to an initial discussion on closed generics which I will also share on this screen the letter that Benedetta from support staff shared from the ICANN Board and then we will have an opportunity to

discuss any questions and comments from GAC members. Next slide, please.

In terms of recent developments, as many of you know GAC submitted a collective comment for the Board to consider prior to ICANN 71 on June 1st last year, 2021.  Then December 2021 ICANN org launched the subsequent procedures Operational Design Phase, ODP, and that work had started  January of this year, and regarding the timelines for this ODP which we know ICANN org will be providing a more comprehensive update, but regarding timelines, it will take approximately ten months with some additional three months before the ICANN Board's full consideration of the final report of subsequent procedures as well as with the ODP.

And if there are GAC members that are interested in more details, there is the Scoping Document in regard to the subsequent procedures ODP work, so there is a link available and overall this ODP will be focusing on the operational impacts of accepting the recommendations of the subsequent procedures final report, looking as well at potential obstacles, expected costs and of course the timeline to implement.  And then lastly, a related development, which again, we will be discussing after ICANN org's presentation, is the letter we received from the ICANN Board on March 6th relative to closed generics having a potential group facilitated by the ICANN Board between the GAC and the GNSO.

Next slide, please.  In terms of just a quick overview there will be around nine different work tracks included in this SubPro ODP, everything from

project governance, operational readiness, systems, tools, vendors, finance, resources, a lot will be covered in this next ten months or so. And if anyone is interested in more details, there's always current updates being made on the SubPro ODP website so there is a link in the slides. And Jorge and myself as well as GAC support staff and Manal, we are monitoring any updates. And as updates become available on the subsequent procedures ODP work, we will be relaying those to the GAC, but we thought it would be good to create an informal GAC group on subsequent procedures. So that any relevant information is shared within this informal GAC group, and basically it would be a mailing list that would be focused on these discussions. So of course if GAC members are interested in being part of this informal GAC group or mailing list, please let Benedetta with support staff know and you can be added into this mailing list and hopefully we can have further discussions there. But of course we will always be updating the whole GAC membership. And we can go to the next slide, please.

To give you a sense of what are the next steps that we will be focusing on, so as I mentioned, we have the operational design assessment that after the ten months the ICANN Board will meet to fully consider. In addition to that, of course the ICANN Board will meet as well to consider the full recommendations that came out of the subsequent procedures policy development, the final report, so this is an opportunity for GAC, of course, to provide any GAC consensus advice if needed to the ICANN Board, then the GAC can decide whether it approves or not the final report. And finally, depending on the Board's decision, then the implementation of the policies will be launched, and we expect the

revised Applicant Guidebook, and it seems for now the estimate in terms of a tentative new round of domain names is somewhere between 2023 or 2024, but of course there are still many moving pieces before this happens, but we know this information has been shared in the SubPro ODP page. So I finished with this first part of the agenda item so now we would like to invite -- I believe it is Karen from the global domains and strategy team at ICANN org to please if you could provide any updates that you have with us in terms of the subsequent procedures ODP, thank you. Over to you.

KAREN LENTZ:    Thank you, Luisa, and thank you to the GAC for the invitation to join this session. I think the last time we spoke at the last ICANN meeting we were preparing to launch the Operational Design Phase that we are now very much into the work, so we will focus this, our updates in this presentation on that. Next slide, please.

This is something I talked about during the briefing that we had with the GAC prior to this ICANN meeting, but it's important to remember I think the context of the community's discussions around adding new top level domains and some of the things that have been repeated and affirmed throughout the policy and the community discussions relating to access and opportunities, especially for looking at making sure that there is diversity in the languages, in the scripts, in the models, and different types of top level domains that are available. Some of the goals are around consumer choice, innovation, opportunities for governments, for businesses, for private sector. So that is always

**ICANN|73**
**VIRTUAL COMMUNITY FORUM**

something that we are keeping in mind in terms of how these fits into ICANN's work and how we are considering different aspects of our work toward the next round.  Next slide, please.

So I will talk a little bit about the ODP work, how it's organized, and then I will ask my colleague Lars Hoffmann to talk a little bit about assumptions driving that work.  Next slide.

So Luisa already covered the purpose of the Operational Design Phase which is to provide the Board information to inform its decision on policy recommendations of the Subsequent Procedures Working Group, and because the GAC has had very good involvement in the policy making process, you should be familiar with the fact that the issues are many and broad.  So there are many different types of issues and 40-some topics in the final report and around 300 outputs that include policy recommendations and implementation guidance and affirmations of previous work.

So we have divided the project into what are called Work Tracks, and Luisa went through those as far as the nine different Work Tracks, but this is a look at where each of those topics is sitting in terms of the Work Track and how we're going about the Operational Design Phase.  These Work Tracks actually predate the ODP as we have been planning to do work around the subsequent procedures recommendations should we proceed beyond the ODP to implementation, these Work Tracks would continue as far as how we allocate and organize resources within the organization.

So we used to prior to the existence of the Operational Design Phase, we would still be answering questions from the Board as far as implementation issues or costs or impact, things to be aware of with the recommendation, so the ODP gives us a mechanism to do that and also to make it transparent as far as the questions the Board has asked which the scoping document was linked in the earlier slide and the operational design work that we'll be sharing. Next slide, please.

So the Board asked us to complete the Operational Design Phase work on these recommendations within a ten-month period and to advise them if we think that can't be met or if there is an issue that would prevent that. So this is approximately how we have set up those ten months, we are currently in March where we are talking about assumptions, and we will share more of those that Lars will be talking about. The green boxes have to do with quarterly status updates, and you notice that there is a halfway point in May which is an important point of looking at where we are compared to where we wanted to be in the schedule. There is also in the midst of this a couple of ICANN meetings, so ICANN 74 we think will be a good opportunity to spend some focused time on the work in progress and what has been developed by then in response to these recommendations. And then I will note also there is ongoing activities we are doing throughout which include different blogs and communications, we are meeting frequently with the Board's SubPro caucus group to share progress and raise issues where they exist with the Board. Also we are meeting regularly with the GNSO Council liaison, Jeff Neuman is serving that role

for the GNSO Council and that enables us to communicate in an efficient way with the GNSO Council where we have questions that relate specifically to the policy recommendations.

And as was noted in the beginning, once this ten-month period completed, the operational design assessment goes to the Board which would make a decision on when or how implementation should commence, and that would lead us to a future round so we don't have a timeline beyond the ODP yet, this is what we are focused on currently. Next slide, please.

Finally, I wanted to talk a little bit about what this means for potential future implementation and how we could streamline things because we get a lot of questions about this and that is the applicant guidebook for 2012 is one of the key resources we have at our disposal in the operational design phase. We know how things were done previously and what were recommended to change versus maybe minorly tweak versus keep the same so we have kind of a rough estimate of the level of effort in terms of high, medium, or low. About less than half, so 42 percent is a low level of effort so not significant changes and about a quarter of it, about 25 percent, is a high level of effort, so that's because either the SubPro PDP recommended significant changes to what we had done previously or you see a bar there near the bottom called new, there are things that weren't in the guidebook at all that are recommended to be at added so those are a high level of effort. So that's also something that we're keeping in mind in terms of being able to use the work we do in the ODP as outputs to start looking at how this

would impact updates to the guidebook.  Next slide, please.  I will turn it over to Lars who will talk to you about assumptions.

LARS HOFFMANN:    Hi, everyone, I will make this as quick as I can.  I can't program it will be painless but bear with me.  The evolution of planning assumptions, as Karen pointed out in the beginning, we're working our way through the 300 outputs or so in the final report making sure we understand them correctly and kind of write down what we assume they mean and what, if applicable, operational impact they may have and also at the time if we're not clear what they mean or if any issues or any contradictions that we detect, not that we have so far, but we will share them with the GNSO Council liaison, those policy issues.  But overall we're looking as the first step in finalizing these assumptions which will then build into -- the assessment will be built onto those.

The assumptions are kind of a development over time. You see a link at the bottom of the page.  I will post it in the chat as well, the pre-planning that was started already while the SubPro PDP went on and these have now considerably evolved, we are now in the Work Track assumptions and I'll give a quick overview of those on the next slide, please.

So we talked through this, I have pasted a link in the chat of the overall document with all the assumption and I will quickly post a link here to the SubPro session yesterday.  The GAC at the time had I think the session on the global public interest and possibly preparation for the Board at that time, so I'm sure many weren't able to attend but we're

going in that session into more details on the assumptions. There are a couple of examples we went through yesterday, the application fee for example will be calculated according to the same component as in 2012 during the last round, historical development costs, processing costs, risk costs. IDNs an integral part of the next round and maybe the last one I will highlight is that ICANN will honor the principle of conservatism when adding new gTLDs to the root zone, essentially not increasing the number by more than 5 percent. And these are not decided or finalized, these are the working assumptions we have right now, and they may change, and obviously this will really just be finalized during the implementation itself. But it is the working assumption for the ODP right now we're sharing with the community to see whether there's any feedback, input or questions on this. Next slide, please.

These are just some helpful links I hope. There have been a number of blogs, you find it on the SubPro website as well, I have posted a link in the chat earlier. There's a mailing list that you can subscribe to, it's really for people to either ask specific questions if necessary and otherwise follow conversations and when we reach out to the GNSO Council liaison, we will post at the same time to the list so you can see those conversations real-time and alternately you can always go to the archive if preferred. And I will post those links as well. And there are a number of blogs that have been published, you can find them on the website, and obviously we're here to present this time around and if there are any other requests for meetings or updates from us, we offer this to all community groups, and obviously, the GAC is very much

included in that. With that, I will pass it back to Luisa, maybe. No, that was the end.

LUISA PAEZ: Thank you both to Lars and Karen for the great presentation, and apologies if there is a little bit of background in -- I've been having a little issues with my mic, but I would like to now pass it over to Jorge, our other GAC topic lead from Switzerland, but of course if there are any questions, I know we're a little bit limited on time today but I know Lars shared a few websites and links where interested GAC members can look for further information, and we do know we keep open channels of communications. So just looking here at the chat... but yeah, I think, again, we are following all of the developments very closely, and we thank ICANN org for the upcoming work and as we mentioned, we will keep the open channels of communication. But thank you very much for the presentation. And if we can have back the slides. So all of the slides will be available in the GAC website because there is very good information in terms of the annex and appendix there as well in ICANN org's presentation. But again, thank you for taking the time, both Karen and Lars, in terms of your presentation.

And now I will hand it over to my colleague Jorge in terms of having an initial discussion within today's session about closed generics. Thank you.

JORGE CANCIO, GAC VICE-CHAIR: Okay. Thank you very much, Luisa, and hello, everyone. Jorge Cancio, Switzerland for the record. I think we have ten minutes, so it will be a short discussion. Closed generics, you remember that the GAC issued advice in the Beijing communique in 2013 regarding the last round of new gTLDs, and there regarding closed generics we said that they should serve the public interest or a public interest goal if they were accepted. And closed generics are such like cars, banks, books, so you can imagine they have very important impact if they were to be allowed.

So in the end, during the last round to give you a bit of context, closed generics were not allowed as top-level domains. So during the discussions leading to the current recommendations from the GNSO, it was one subject on the table of the subsequent procedures Working Group, but they didn't reach agreement. So in our collective agreement of June 1, 2021, we said that we stood by our GAC Beijing advice and that at that time we supported the proposed suspension of closed generics TLD applications until policy recommendations were available and this was following or supporting advice from ALAC to the ICANN Board. We also said in this June collective comment that the burden of demonstrating the public interest benefit of closed generics strings should rest with the applicant and be subject to comments during the review process. And as no agreement had been found within the PDP Working Group we encouraged the Board to take the necessary steps for starting on outcome oriented community discussion on this. So if we go to the next slide, we see recent developments.

As we have just heard from Karen and Lars -- by the way, I forgot to thank them from my side and also to invite them already for our next meeting in The Hague where we will very shortly want to hear about the new developments in the ODP. As we just heard from them, one of the issues which has been already identified in the ODP work that are open, pending, is the question of closed generics because there is a lack of recommendations from the subsequent procedures final report.  So as we know and as I just mentioned, we have this GAC advice from 2013 and the lack of working group policy recommendations and the Board's heeding in a way what we mentioned in our June 1st input has been sounding the possibility of a collaboration between the GNSO and the GAC to develop sort of framework for closed generics.  Next slide.

We have some further detailed information of how this got rolling and there was an informal phase to this between the Board and our Chair and the GNSO Chair and the GNSO Council Chair and now just two days ago we received formal outreach letter from the Board to our Chair which is also addressed to the Chair of the GNSO Council, where they ask us basically whether the GAC and the GNSO are willing to enter into facilitated dialogue between the two constituencies to see if we can find a suitable framework on closed generics.

So this is what we have basically on the table, and we are expected to reply to this proposal from the ICANN Board, which in the end is taking up one suggestion we made in June 2021.  And here if we go to the next slide, what we are seeking from your side -- and I know that we have four minutes -- is to see what is your initial reaction, your initial

comment on this, of course with the understanding that the letter we will draft to answer the question or the outreach from the Board will be sent also to the GAC list for comments before we send it finally to the Board.

So I will pause here for a second and look also into the chat if there is any reaction. And perhaps also Gulten or Benedetta can post the link to the letter in the chat so it's easier for you to have a look at it. But basically it's about asking us whether we are willing to engage into this facilitated dialogue and for your information, this is something similar to what was done five or six years ago regarding the protection of the Red Cross names and also the protection of IGO acronyms, and which has resulted in my personal view, to very productive exchanges with the GNSO, the one of the Red Cross was solved very early on after the facilitated dialogue after two years of work, more or less, and the IGOs as we heard before from Brian Beckham is in a very positive course of being resolved as part of an EPDP.

So I am looking at the list, not seeing any call for the floor. And I'm checking also the chat. So I understand this, and also I note the comment from Nigel that we are willing to engage into this process, and for your information, at least from our topic leads' point of view, we are open, of course, but this is in the hands of the Board in the end to participation of other parties that are interested from the community, like the ALAC who have shown interest in the past in this subject matter. So I am checking again. Gemma from the European Commission also

supporting this.  So I will take this as a support.  And I see that we only have one minute left, so let us please go to the next slide.

GULTEN TEPE:                   Jorge, I saw Manal's hand up.

MANAL ISMAIL, GAC CHAIR:    It's okay, Jorge, I was just going to thank everyone for the initial reaction on this, so it's good that we are proceeding.  Like you said, I see it's very positive and would invite particularly on point three on the screen input and feedback on what would be a compromise solution. Obviously the discussion will not be towards first come first served in closed generics, neither would it be that we would not allow closed generics but rather how to allow closed generics that take into consideration the public interest.  So it's where we can meet in the middle is exactly where we need your feedback as well.  I'm sorry, I know we're running out of time so I will hand it over to you again, Jorge. Thank you.

JORGE CANCIO, GAC VICE-CHAIR:                    Absolutely.  Thank you very much, Manal, we didn't have time to get into substance but just to remind everyone that we have some substance in the June 1st, 2021, input on closed generics and we can build on that and that was already going in that direction that Manal was mentioning of trying to find a compromise solution which is respectful of our Beijing advice.

So just to go to this last slide, this is just a reminder to everyone that the possibility of developing GAC advice on any of the many, many issues which are encompassed by the subsequent procedures recommendations is open. So it's up to the GAC membership, and you can take the initiative, you can approach Luisa, myself, or Benedetta to raise any issue, and we still have time as we have seen the ODP will only finalize in October, so we can discuss this also at ICANN 74 or ICANN 75. But of course the sooner the better so we don't surprise anyone in the community with a last-minute GAC consensus advice on any of these matters.

So I think I will leave it here for the time being. I will give you back the floor, Manal. And I will check the chat for a moment. But I think it's okay, no requests for the floor. So over to you, Manal, thank you very much.

MANAL ISMAIL, GAC CHAIR:    Thank you very much, Jorge and Luisa, it's been a long journey, I know. I see Susan's hand, so US please, briefly.

UNITED STATES:    Thanks, just a question for clarification, Jorge. The penultimate slide, if we could just go back one -- is this advice for ICANN 74? I'm assuming? I just wanted to clarify on that bullet point if you are referring to ICANN73 or ICANN74. Thanks.

JORGE CANCIO, GAC VICE-CHAIR: Thank you, Susan. I think this is a general reminder. Today we didn't have time to get into the substance but it's something we have been I think recalling for the last meetings, that we have the recommendations for the Board. The ODP is in process so during this period there is time for any GAC member to move or initiate the formulation of a GAC consensus advice on any of the topics of the Subsequent Procedures PDP Working Group. So just reach out to us.

MANAL ISMAIL, GAC CHAIR: Okay. I see Susan thanking you in the chat. So with that we are four minutes after the hour. So thank you very much, Jorge, Luisa, our topic leads, and Karen and Lars from ICANN org, and of course Benedetta, our amazing support, and many thanks to everyone for the active engagement. A 30-minute break, now 25, and please be back for our last session on the GAC communique review. Thank you.

**[ END OF TRANSCRIPT ]**