ICANN74 | Policy Forum – GAC Discussion on Subsequent Rounds of new gTLDs
Monday, June 13, 2022 - 13:15 to 14:30 AMS

LUISA PAEZ:

Hello, GAC colleagues. As Manal mentioned, today the focus of the session will be on Closed Generics, and before we have ICANN org staff present on important topics, we would like to provide background and context with regards the [indiscernible] on Subsequent Procedures exam Closed Generics. In terms of recent developments, the GAC submitted a collective comment in June of year 2021, it is linked within this PowerPoint presentation. Then in regards to the following step, as most of you know, the ICANN org launched what is called the operational design phase on the Subsequent Procedures final report. And on this particular item we have ICANN org that has kindly accepted to provide a more meaningful update later in this session.

In regards to the [indiscernible] the assessment Board of ICANN org has identified several policy issues. And one of the important issues is Closed Generics. And even though there was quite a meaningful discussion during the five year multi-stakeholder policy development process on Closed Generics -- in terms of how and when or what parameters Closed Generics are allowed. And so what happened afterwards was that the ICANN

Board suggested that a small group of members from the GAC and from the GNSO Council with a facilitator to start some initial discussions in regards Closed Generics with the understanding that there would not be any extreme positions excused. And of course important to note that whatever agreement -- confirmed by the board, it will of course go through ICANN's policy development process.

So as I mentioned in regards to timing, the idea from our understanding but I think we will iron out more details today, is to have a first initial call between the GAC and the GNSO Council members. But we will know more details once we have the bilateral meeting today with the GNSO Council. So please stay tuned for further details. But we also wanted to note that the [indiscernible] did respond favorably to ICANN Board's proposal to have this facilitated dialogue on Closed Generics. In regards to the ICANN Board correspondence, it included a training paper which we know the GNSO Council has tasks a small team to review and provide further recommendations on this.

We wanted to share some of the highlights when the GAC responded favorably to the Board, this facilitated dialogue with the GNSO Council in Closed Generics. So the GAC agreed well, the proposed parameters with the dialogue, which the discussion should focus on the compromise to allow Closed Generics only

based on a public interest goal which we all know aligns with the GAC advice consensus advice. And -- would bring together members of the GNSO Council and the GAC in a dialogue. And whatever is agreeable then in regards to the timeline and the problem statement, we are -- the GAC is waiting to receive that document from the Board.

So we look forward to receiving this "problem statement or briefing paper" from the Board to be able to meaningfully discuss within the GAC. And when it comes to the process and [indiscernible] the GAC agreed, important to note that the GAC encouraged ICANN org to refer to the 2017 Red Cross identifiers online. So this was a submission that the GAC made in the letter and an important point is balanced participation, where the GAC stresses importance of the balance of number of participants both coming from the GAC and the GNSO Council.

So in regards to participation, there is an item that still has to be ironed out in regards to to the potential participation from ALAC members in the facilitate dialogue. The GAC noted that encouraged participation in the facilitated dialogue to the extent of their expertise and [indiscernible] on this topic in the five years multi-stakeholder policy development process. But of course this still has to be discussed and agreed between the GAC and the GNSO Council.

And finally, when it comes to choosing a facilitator for these very important and complex issue on Closed Generics, the GAC highlighted a few important characteristics, so we want to ensure it is a well-respected member of the ICANN community with a good track record of respectfully and tactually building consensus, and very important, independent from commercial interests. We also highlighted the importance for this facilitator to have a good understanding of closed generics and its history but not directly involved in the five year multi-stakeholder policy development process on Subsequent Procedures to bring a fresh perspective to the process. And finally, this person should be willing and able to practically help build bridges and find mutual acceptable solutions between both parties.

JORGE CANCIO:    Thank you so much. Jorge Cancio, GAC representative and one of the topic leads for Subsequent Procedures. Yeah, on this slide, this is a really very recent, this is the summary of the report that has been submitted by the GNSO team on Closed Generics to the GNSO Council. This is just a draft proposal, we can say, but we thought it's interesting for you to already know what the GNSO is discussing. We may of course raise the issue with the GNSO Council in the bilateral we have later today. And basically regarding the recommendations of this small team to the GNSO

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Council subject to review and approval -- there are a number of recommendations that I think at first sight go into a very similar direction of what we have been exchanging with the Board on our side.

So for instance on ALAC participation, the small team is favorable to their participation in this facilitated process with one representative and an alternate. Regarding the facilitator, we see the criteria were quite similar with what we were proposing with independent track record of consensus building and maybe a slight difference in that they have -- independent from commercial interests and someone with no financial incentive to benefit from the outcome of the discussion. So maybe this is something to be considered by us to have a look at it. And regarding the dialogue, the guidance on the condition parameters and methodology for the dialogue, they say this has to be subject to mutual agreement from the GAC.  And from my recollection from reading the recommendations, they also go into the direction of using the precedent we had in 2017 regarding the still dated dialogue on the matter of the [indiscernible] Red Cross national associates. Mary will later give more detailed explanations on a very interesting precedent.

We see the next steps on this process, Luisa already mentioned most of those if we arrive at an agreement with the GNSO Council

on Closed Generics with the community, we will provide feedback. After such feedback, this framework will be fed into the appropriate GNSO policy development process, because we are talking about generic domains, it would be a GNSO policy remit. If the dialogue does not result in a mutually agreeable framework, the [indistinct] in any case, and this is a general comment from us as topic leads, the GAC and the GAC members are always free to consider on GAC advice on closed generics or any of the other SubPro related topics. The Board will be able to take them into consideration and avoid last minute exercises.

So on Closed Generics, we will have another slide as an introduction to the Operational Design Phase At Large. Perhaps it's a good moment to pause and to see whether there are questions or comments. I don't see any requests from the room. So perhaps I saw [indiscernible] first and maybe we can go with the other hand.

BRAZIL:                    Thank you. I have more a question than a comment. I understand the position that the ICANN has on this topic coming from the advice of 2013 is restrictive in the sense that Closed Generics should be allowed to extend this [indiscernible] goal. Moving into this process with the smaller group, in practice will be it will be up to this group to discuss what a [indiscernible] goal means in

practice or exploratory dialogue. GAC starts the dialogue. What is the starting point? Because if the idea is not to be captured by extreme views possibly from the other perspective, the idea we're serving a [indiscernible] goal might be seen as extreme view. So I imagine might be expectation that the interpretation of the public interest goal means might be [indiscernible] or broad enough to accommodate some kind of consensus. So what is the starting point of this dialogue from the GAC's perspective? And if we expect the concept of the goal, the object of this discussion in this exercise. Thank you.

JORGE CANCIO:          Thank you very much. I think we had another intervention. Sorry, I don't see you in my computer. But please go ahead.

UNITED KINGDOM:          Yes, good afternoon. Not sure why you don't see me. Nigel Hickson, UK GAC. Thank you for the comprehensive outline of the programs taking place in terms of the consideration of this topic. I suppose a couple of points. First of all, I agree totally with the consideration that has been given to the inclusion of ALAC in this process. For the UK it's a [indiscernible] the At-Large community have an interest in this topic just as much as other stakeholders, so I think they just have to be involved in this facilitated process. Obviously we hope the facilitated process will reach a satisfactory

conclusion and will enable an appropriate policy development process to take place. Obviously we welcome feedback to the government advisory committee, as our Brazilian colleague has mentioned, so we can consider this in light of the previous positions that the GAC has held including back in 2012 or before that. But we wish this process every success, and thank you very much for outlining the situation.

JORGE CANCIO: Thank you so much, Nigel, and if there are no other requests for the floor, I will try react to Brazil's comments. Basically the letter from the Board which kicked off this process stated that the extreme positions would be to completely bar Closed Generics or to give it a free-for-all, and those are the options that in principle are excluded, at least in the sense that we have agreed to that baseline for starting the conversation.

So basically the Beijing advice states, at least from our point of view, that the question will be to put flesh on the bones and see what are the possibilities to operationalize that advice because in the previous round, what it meant in practice was to bar Closed Generics. So we are not going in principle to bar them. The question is how making them possible and without going too much into the details, because I think we have some time constraints, we have the positions on the one side which have all

the discussions that happened in the Subsequent Procedures Working Group amongst the community, so there is rich material there. And there were even three possible approaches discussed within that Working Group of the GNSO, and the GAC took some position on those in 2020 and 2021.  So on those collective comments we filed during that process there are a number of elements we can use as a basis, but of course it will be also part of this facilitated dialogue to find solutions, and of course at least my understanding is that the small team will have to come back at least the GAC part of it, to the GAC plenary, to seek input and agreement.

So I think I will leave it by that for the moment. And if that is okay with you, we would follow with the slides. The next one really is an introduction to the presentation by Karen and Lars, so I think it's fair to pass the floor to you directly, because what we have seen in this slide has been already discussed. We know that the operational design phase is happening. They are more or less midway through the process, and -- it is always in the hand of the GAC to issue GAC consensus advice on these issues all along the process if we find it necessary. But we will return to this question also later on. So with this, I don't know if Karen or Lars...

KAREN LENTZ:

Thank you. Karen Lentz from ICANN. And we were asked to provide general background on the new gTLD program. So still useful? Okay. Making sure. So we can go to the next slide I think. Thank you. So yes, we were asked to review a little bit of the history of the new gTLD program looking at where we are now and some of the key things that may be helpful for the GAC to know in terms of how things touch on current issues. Next slide, please.

So what is the new gTLD program? You see some of the key words on this slide. The program was a product of the multi-stakeholder process determining there should be a way to incorporate new generic top level domains into the domain name system. That would allow for innovation, for internationalized domain names so that the domain name system could reflect the multitude of languages and scripts that are used by people around the world and of course this is all -- the challenge is how to enable these things while also maintaining the security and the stability of the domain name system. So when we talk about the new gTLD program, as you will hear, there was an application round in 2012 that resulted in about 1900, a little over 1900 applications and about 1200 new gTLDs being delegated and available. And I share this because some of the things I will talk about from this experience touch on some of the topics that the GAC and other parts of the community are also discussing now.

So the term Subsequent Procedures or SubPro is what you may hear discussed now. And as I mentioned in the previous slide, there was policy work in the community to determine that there should be a process to enable new gTLDs. And then there was a policy development process that began in -- I want to say 2016 I think, or 2015. I think it's on the next slide. But the work towards implementing those recommendations and building the rounds resulted in a number of reviews and efforts by the community to understand some of the resultant experiences from that round. Thank you. So the term Subsequent Procedures is referring to a future round or a future process for additional gTLDs

And the name of the Working Group that worked on this was Subsequent Procedures, and that is shorthand that was created which is called SubPro. So when you hear us talking about SubPro, we are talking about the process and all of the work that goes to opening up a future round of applications for additional generic top level domains. So these are some of the milestones that are important to know. Policy development within ICANN happens through the bottom-up process, and this process that ultimately formed the basis of the new gTLD program began in 2005. The GNSO did consider the question of whether to introduce new generic top-level domains and they decided for various reasons there should be a process, and they

recommended that that should occur in rounds. And they also recommended some of the conditions and requirements under which these top level domains should be introduced, that included different reviews for technical or financial or various criteria.

This set of policy recommendations was approved by the ICANN Board, and then the org worked with community to develop the implementation planning resulting in the Applicant Guidebook which was approved in June of 2011. And then in January of 2012 the actual application process began. So there are a few points here that I think may be important for the GAC to know something about. One is what we call the early warning process. And you see there is a link there to the early warnings that were issued on applications received during the 2012 round. There were 242 applications that received early warnings. The early warning is a notice by a government that an application might be considered problematic or raise some sort of concerns or sensitivities. The fact that an application received an early warning did not disqualify the application from proceeding, but it was meant to provide an indications to the applicant that there was a potential problem. So they might consider withdrawing or they might consider meeting with the relevant government to see if the concern is to be addressed. But the early warning was a

mechanism that was developed to provide that notice to the applicant as early as possible.

To clarify one thing, the early warning was a notice by -- it could be one or more governments, but it was not a GAC consensus. Consensus was not required to issue an early warning. The tool was for the applicant to consider a possible issue.

The next piece of interest perhaps is the GAC advice process, which of course is specified in the bylaws that the GAC has an important role in providing public policy advice to the Board, and by consensus; advice as you know does require consensus. The way the GAC advice process was described in the Applicant Guidebook was that the advice would take one of three forms. If the advice was about one application, either that would be that the advice is that the application shouldn't proceed or the advice was that there were concerns and a desire to have more dialogue on that application, or that there were some concerns that meant that they didn't think that the application shouldn't proceed unless the concerns could be remediated.

So because there were so many applications, it was an extensive job for the GAC members to review and take a look at applications which determine which raised some of these questions, and the GAC advice, the first advice affecting gTLD applications was

issued in April of 2013. That was a Communiqué that contained not only some advice on individual applications but also some categories, and so there was extensive work by the Board, by the community, by the applicants to provide input and work out a way to incorporate that advice.  And then finally, starting in late 2013, the first new gTLDs were delegated from that process. Next slide.

So this brings us to the present day. The policy development process, as I mentioned is a bottom-up process, this having to do with generic top-level domains, means it's the generic name supporting organization responsible for making that policy. The policy development process is included in the bylaws and involves determining developing a charter, convening a group, assessing the level of consensus, bringing in -- collecting input via public comment. Ultimately it is the GNSO Council that votes on policy recommendations and determines whether to pass them on to the ICANN Board, and then the ICANN Board as they have done with the SubPro policy recommendations considers those recommendations. It may request an Operational Design Phase, which is the case here, or other information, and ultimately the Board makes a decision to approve or not approve the recommendations. If they approve, the Board would instruct the CEO to implement those recommendations.

This is a visual of what I described. You start all the way at the top with issue identification and scoping, and I followed the steps completed along the way. The result is a new policy that is in place, in effect. In the case of the Subsequent Procedures recommendations, we are in the Operational Design Phase as indicated here.

The last slide I will cover is some of the milestones from the SubPro policy development process which began yes, as I said, in 2016 [chuckling]. They completed their work in 2021 when the council approved that final report. It has been provided to the Board, so the Board holds the action for the next step. They did ask for some work in the Operational Design Phase to help inform their decision. So we began that operational design work in January, and that is now underway as you heard this week. And next I will turn to over to Lars to tell you more about the ODP.

LARS HOFFMANN:     Thank you, Karen. I'm from ICANN org as well. And I will post two links into the chat, one to the ICANN.org website, and the wiki page that holds information we will talk about here. Yeah, I will talk about the ODP activity, some of the updates we have done in organization of the work. And I hope that proves helpful for the GAC members. Next slide, please.

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So here are some [indiscernible] of the activities. Obviously difficult to access these links from the slide deck. In the chat there is a link to the website that has all of these documents. We published a number of assumptions that we shared with the GNSO Council liaison, and also the liaison to the GAC -- sorry. Then there has been some community status report we published in March and May as well of this year obviously, and there has been a block series as well. And if you read the newsletter today for the meeting, Karen's [indiscernible] is there as well. So there is other information and we are here during the meeting, so always reach out to us if you have comments or questions or would like to provide feedback.

Some of the work we have been doing as part of the ODP team, we have been supporting various stakeholders as well in considering the final report and assessing for the Board the operational impact of the recommendations. We supported discussions during Board workshops and Board caucus meetings, we worked with Jeff Neuman, the GNSO Council liaison, and those are publicly archived, you can follow those. And we supported the ICANN SubPro steering committee, and we have some Work Track leads meetings that we hold on a regular basis to make sure internally we're also aligned, and I will return to that in a moment to explain a little bit more on the structured work

Here are some key elements about the ODP, and I will talk about some of the benefits as well of the process. It is really there to assess the resource and the operational impact of the recommendations contained in the final report, providing [indiscernible] related to those issues to help the Board determine whether the recommendations are in the best interest of the ICANN community or ICANN, and that is the language taken from the bylaws here, that is the burden that the Board has to meet when determining whether to adopt these. The results of the Operational Design Phase of the ODP -- we're never short of acronyms in ICANN -- the final report, if you want, will be referred to as the operational design assessment. The ODA which will include estimated budget and resources requirements as well as implementation timeline. And the ODP requires significant resource commitment from the org and as a transparent process, open to community feedback and input. As we said before, you can reach out at any time to us with any questions. The next slide, please.

Here are some of the benefits of the ODP. I won't read through all of these. I think it provides essentially some visibility into the project timeline and activities we are planning. I think it very importantly will streamline future work so we expect much of the ODP that will be contained in the assessment, the final report, as it were, will inform the implementation of the recommendation

when we work together with the community, the community's implementation review team, it is also expected and I think true that the ODP enables better engagement and collaboration and problem solving as well between the community, Board, and org. I think the Closed Generics discussion that was held at the start of the session is one example of that, and obviously the outcome here will offer the Board an understanding of the global impact of the accepting the recommendations and point out any potential obstacles and concerns and propose solutions and also give a better understanding of the impact of the policies and processes and as I said before, the expected timing for the next subsequent round.

So obviously -- I think what this demonstrates is an overview of the internal work and how we structured that for the ODP. We divided the work into essentially nine different work tracks. You see that these are headlines, the red blocks here. And you might be able to just make out some of the items are underlined and a number in brackets, those refer to the topic numbers in the final report. So these areas contain recommendations and outputs, implementation guidance stem from the PDP final report, and we are assessing these and other overarching operational askings during the ODP so we have these work tracks in which we have the work organized. Sorry, I can speak louder.

We showed this slide earlier as well, for those in the main session earlier, gives a quick overview of the stages of the work of the ODP itself, so the Board initiated the ODP in September of last year with a resolution. Took about three months to ramp up the project internally. We are now in the middle phase, the long blue block, about halfway through as Jorge has pointed out. And then once the ODP is completed and we have drafted and submitted the operational design assessment, the ODA, to the Board.  We estimate the Board will take around three months to consider the ODA and any other relevant information when they're deliberating whether to adopt the final report. And if the Board does do so, it is expected that the Board will then direct ICANN org to work with a implementation review team to implement the recommendations.

A high-level timeline here, this is kind of a more detailed breakdown of the blue block from the previous slide. You might be able to make out the red arrow there as we are at ICANN74, you see the outreach and updates during ICANN73. One item that Karen pointed out too was -- [indiscernible] so after ICANN75 we probably have a bounce down for the drafting process, allows input and we expect to deliver the report by the 31st of October which will make up about ten months since the start of the ODP.

if no questions, next slide please, two more quick sections. We know there are a number of new GAC members obviously, so it's not for us to tell you what your interests are or concerns are but we thought it might be a good reminder to show where the GAC has provided input and indicated interest, so maybe new members can look at that more in detail if they want or for existing members, it might refresh their memory as well. A couple of topics, the predictability framework, issues of concern or interest to the GAC, applicant support, Closed Generics, including the auctions, mechanisms of last resort on resolving contention sets where there were a couple of recommendations in the final report that didn't receive consensus.

And I just want to say when we do the assessment work we take into consideration and are aware of community input that has happened in the past, the GAC and obviously other supporting organization, and advisory committees as well. Next slide, please.

Supplemental details here on the ODP. I said this before, the ODA, final report is expected by the Board within ten months from the date of initiation, which was 3rd of January this year. The ODP is not really a new process, right, the Board has always asked or the ICANN org has informed the Board or provided information to inform the decisions in the past, really a process that is maybe a little bit more transparent than has been the case in the past.

There is a liaison, I spoke to that a second ago, Jeff Neuman, the GNSO Council liaison to the GAC, and what is expected after the ODA is published, we expect there will be meetings and conversations between the Board and council. They have already occurred to an extent and will certainly consider during the deliberation time and into implementation certainly as well, and the Board will consider next steps on the recommendation of whether to adopt them or not.

If you bear with me, three more slides. After the ODA, the Board will vote on the final report. If they approved, it will start the implementation process of the recommendation which will likely lead to a revised updated Applicant Guidebook. For those interested, you can find the 2012 Applicant Guidebook, obviously still online, that lays out the rules and procedures from the previous round, which is certainly a good starting point I think to understand how the next round will shape up, including obviously on top of the new recommendations and other considerations.

ICANN org when implemented is expected to work closely with an implementation review team to ensure that the implementation text applies in line with the Working Group's intent and for those new to the process, usually open to all community members, and upon completion of these steps, ICANN org will then essentially

be expected to start a new round of applications for generic top-level domains.

Again, this is maybe too detailed for the big screen, but I think the message the slide conveys is that we're still kind of at the very end, if you want, of the policy development phase before the implementation and design phase starts, this is where the ODP takes place. And during the implementation we will have the IRT, and eventually there will be a new or updated Applicant Guidebook, and then once that is approved and in place the new round will start including operational -- the operation of the next round. So a lot of that happened in the past already but until the next round will start, a lot of other things will have to happen still.

And then one more slide, overview of resources. Pasted those links into the chat. There are a couple more here. There have been a couple of webinars in September last year and during the previous ICANN meeting as well, and you find those on the website. And obviously as I said before, if you have any questions, feel free to reach out to us in person or virtually. And that brings me to the end of my section. Thank you.

MANAL ISMAIL, GAC CHAIR:  Thank you very much, Karen and Lars. And Jorge, if you would allow me to encourage GAC colleagues, this excellent overview of

the whole process is intended to bring everyone up to speed, mindful of the large number of new GAC colleagues. So please, if you have any questions, feel free to ask, even if you feel it was something that happened in the very past, it's very useful and we are building on this for the new round. So please feel free to ask any questions you may have. And I see Indonesia, please.

INDONESIA: Thank you, Manal. [indiscernible] for Indonesia for the record, and I wonder how to overcome a problem, I forget the number of applications of the gTLDs, hundreds, thousands of them, and how the GAC members can look through it, especially if it comes to sensitive work. If it is geographical names, we already have the procedures, if that procedure is still questionable because we have [indiscernible] and the problem with Africa, not mentioning the Amazon, and so on and so on. We still have these problems.

But I think the second one, the sensitive word which may not be considered sensitive by some countries but maybe for others like Islam and [indiscernible] how can we review? Those are on the application of the gTLD, and those that review it might not feel this is sensitive or not, it's very personal and different from country to country. If you recall, the [indistinct] took ICANN six years to reject [indiscernible] so it has to be a system where we can identify sensitive words like this, which one may consider it's

okay where another one may not consider it okay. (Audio feedback) so that is a comment to consider when giving a name for a gTLD. And a sensitive word can be changed also. For example this year or next year the word might be okay, no problem. But then in two or three years later it can be a problem. And I can give many examples of that, I mean, in a situation where some are insensitive or can be sensitive to me or it can be the other way around. Thank you.

JORGE CANCIO: Thank you very much, Ashwin. Certainly we will have to prepare very well when the next round approaches. I think we have Velimira, and then we should turn to Mary for the next slide.

VELIMIRA GRAU: Thank you, Jorge. I will be brief because I had a question or let's say a suggestion. I don't know whether the question is to us the GAC community or [indiscernible] ICANN org, I believe much more in terms of a process, you have mentioned several times to us, Jorge, and Luisa as topic leads that of course we can provide advice at whatever stage to the Board. On the other hand, our GAC Chair has thoughtfully reminded us of the new number of GAC colleagues we have, and thank you for this extensive presentation. It shows the complexity of the issues, and some of

the slides were very much going to that direction of the complexity and the myriad of topics that are to be considered.

So I'm just wondering, having this in mind, is it [indiscernible] probably in collaboration with the government engagement team to think of -- I don't know how to call them -- webinars or training sessions or let's say some kind of help that we can offer to the GAC colleagues and to all of us so that when it comes to the next round and there is going towards it that we have a more kind of [indiscernible] approach and let's say a holistic overview, we can ask among the GAC what the topics are and to be more inclusive when we approach those issues. So this is just a suggestion or an open question. I know nobody can probably answer it right now, but it's something probably worth reflecting upon. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Velimira very much. And quickly, it's well noted and we are aware of the large number of new GAC members and we are working closely with ICANN org to provide the necessary background, and this feedback is very useful. And I think please continue to give us the feedback, and we will make sure to provide every information needed to GAC members. Thank you.

JORGE CANCIO:     Thank you. I see that we have Kavouss online. Please, the floor is yours.

IRAN:     Thank you very much.  I think Ashwin raised some specific questions.  Maybe it's early to go to GAC, especially [indiscernible] this process to be six years. What I suggest, Manal, for your consideration and the consideration of our distinguished GAC colleagues, we should have the possibility of having a webinar but not on the entire Applicant Guidebook but section by section.  And I start first in a general section.  What were the modifications about?  And then picking up part of the Applicant Guidebook's which is important and critical for GAC and having a webinar on that very well prepared -- because it's very difficult. There are many controversial points in the [indiscernible] many qualifiers and different interpretations and so on, so forth.

So I think at this stage, thank you very much for the presentation and thank you for those who worked these six years to prepare that, but at least I request the Chair of the GAC to kindly consider a very well prepared and detailed webinar on this Applicant Guidebook, is very important.

Before taking the floor I was talking on the telephone to my colleagues in my country saying immediately after opening there

may be hundreds and thousands of applications, so it would be difficult for people who are not very well equipped to understand or recognize the importance. It may be difficult to act. But I told him that perhaps I would request the Chair of the GAC and the GAC distinguished colleagues to think of the possibility, the appropriateness, or otherwise having some sort of seminar or webinar on specific cases which is more critical for GAC. Thank you.

MANAL ISMAIL, GAC CHAIR:   Thank you very much, Kavouss. Well noted, and thank you for the feedback we're getting. We will work on having the information made available for GAC colleagues. Thank you.

JORGE CANCIO:   So perhaps we can circle back to the question of Closed Generics and also have a look at what precedent we had on facilitated dialogue some years ago and also about raising awareness about this, especially for those who are new to the GAC and didn't live through that experience. So without further ado, I would pass the floor to Mary. And thank you very much for being here.

MARY WONG:   Thank you very much to Jorge and to the GAC leadership and for this invitation. And Jorge, you have been particularly kind, and when you talk about going through that experience, I feel you and

other folks in the room are in a better position to explain what the process looked like, but you and Luisa did cover the main points of the proposed process and thank you colleagues for putting the slide up, Luisa and Jorge did cover it.

So in the time remaining hopefully it's helpful for the GAC members as well as the upcoming meeting with the GNSO Council if I focus on a few high level fundamental points and as you mentioned Jorge, thinking back to the dialogue with the residence cross national society names, I think the first thing I will say is in terms of what is an appropriate process as it probably already evident from discussions you had from the Board's letter as well from the framing paper that I know many of you have looked at, there is no documented enshrined process for this kind of dialogue.

So the Board and the org looked at the one other experience relatively recently, about five years ago, I want to say on the Red Cross. So conscious of the various roles and responsibilities here, one obviously the Board has a particular role as the Board.  Then of course you as the GAC and the GNSO Council with its own remit. The Board put this forward as an idea for the GAC and the GNSO Council to consider to leverage on that one previous experience. So thank you to the GAC for your response which Luisa went through. That does talk about some of these elements and the

process. What you see on this slide is essentially reflective of that framing paper and what is in it. The various steps, including or starting from the idea that the Board would propose a facilitator to the GAC and the GNSO for your respective considerations.

Without going too much into detail about the other steps, I think what hopefully you will notice from this slide is that almost at every point along the way there are a couple of things that we need to bear in mind. One is that the decision of whether to participate or what the parameters are for the dialogue or what the exact problem statement is, that is something for the GAC and the GNSO each to review and then come to agreement before proceeding to the next step. It's very logical, very obvious, but it is also probably the most effective.

So if for example both groups are happy, and I know there is a question about the participation of the ALAC, but you need to be happy and comfortable with the facilitator and the parties to the dialogue need to agree on what the exact problem statement is and what the scope is. So I think that is, Jorge, one of the learnings we probably had from 2017 and certainly a very big part of the preparatory process for the Red Cross dialogue as well. I did want to emphasize that.

The other point I think I can make, this is I believe the last slide, none of this presupposes any outcome from the dialogue. So obviously we simplify the dialogue could result in an agreed framework, meaning that the outputs from that dialogue are considered by the GAC, considered by the GNSO Council, and agreed on as the next steps. If that is the case, as Luisa and Jorge have mentioned, that does not conclude anything because that dialogue is not the policy work. It was quite likely that additional work, particularly additional policy work, will be required on the agreed outcome, and that would be the regular policy process starting with the GNSO's PDP perhaps and going through to Board consideration if that policy process does result in policy recommendations that the GNSO Council eventually approves.

So it is important to emphasize -- and again, there was our experience with the Red Cross dialogue as well -- that should there be an agreed outcome from the dialogue, there is a need for additional work and if additional policy work, it will go through the regular GNSO and bylaws process including ultimately with the Board and potentially GAC advice as well. So being quite conscious of time, I think this slide is self explanatory, Jorge. I am happy to add to the learnings but I think these might be the key points at this stage.

| JORGE CANCIO: | Thank you so much, Mary. At least to me it was very clear. I don't know if there are any questions in the room. I don't see any in the room but I see Kavouss has his hand up in the virtual room. Please go ahead. |
|---|---|
| IRAN: | Thank you very much. I think what I could say based on my experience during the last six years working on that [indiscernible] is that our preference isn't that if you find an alternative way to solve the problem, then the policy process is better. The reason is that. The reason is that the GAC may not have sufficient time, opportunity, resources, manpower and so on, so forth to duly attend in I would say sufficient number in that PDP, whether it is expedited or non-expedited. This is something very important. But if at the end of the day we are obliged to the consultation with the GNSO and others to go to the PDP yes, but not immediately going to that. Because this experience that we have, the GAC accepting very rare cases would not be in a full possibility and opportunity to duly attend those and express their concerns and wishes. And at the end of the day, when it comes to the entire GAC meeting, the only possibility for us is minority statement. So could we try to do our best to have something between the two in order to resolve the difficulty of our participation in the PDP? Thank you. |

JORGE CANCIO: Thank you so much, Kavouss. I think we are all aware and also mindful of those difficulties and also the chance given to us by this facilitated dialogue to at least agree at the level of principles with the GNSO so that the PDP then implements such agreements, that would be an accurate solution. At least it worked for the names of the national associates of the Red Cross five years ago. But it's still early days in this process, and I guess we will keep on informing.

I wonder whether Luisa -- if you hear us, if you want to finish the discussion with the last slide we had.


LUISA PAEZ: Thank you, Jorge. It's Luisa Paez, checking my audio again.


JORGE CANCIO: We hear you okay.


LUISA PAEZ: Perfect, and wanted to mention that we have kept -- we have monitored the questions in the chat and both comments from GAC members in the chat and via the microphones, so we are keeping track of all of those and we appreciate those comments and questions, and we will definitely be considering them moving

forward. And I know -- being mindful of the time, I know the session has come to an end, and we will have definitely more opportunities in future ICANN sessions to really dive deep into GAC priority topics in relation to Subsequent Procedures, but we just wanted to perhaps just use one or two more minutes kindly from the interpreters for GAC members to allow any questions for Subsequent Procedures as well as the future facilitated dialogue between the GAC and the GNSO Council on Closed Generics.

And of course we're always looking for volunteers and welcome those that would like to propose any type of advice or of course get involved in these issues further or for example be part of the GAC members that will be participating in the facilitated dialogue with the GNSO Council. But of course we will make sure to follow up via email just to make sure we're all on the same page. Thank you very much.

Just checking if there are any last minute comments from GAC members. And we as well wanted to thank ICANN org staff for taking the time and providing us detailed updates, and of course we thank everyone in the community and ICANN org as well that have been working on all of these issues of course from many years ago and moving forward. Thank you. So just checking quickly -- I don't see any raised hand at the moment. So again, mindful of the time, I think Manal if you agree, and Jorge, perhaps

it's a good time to close the session. And again, thank you very much for all the comments and questions.

MANAL ISMAIL, GAC CHAIR:  Thank you very much, Luisa and Jorge, and thanks to Karen, Lars and Mary and to GAC colleagues in the room and online. So it's time now for a break. We will reconvene in the GAC room and Zoom at 1500 The Hague time, 1300 UTC to meet with the GNSO, so please be on time. Thank you.

**[END OF TRANSCRIPTION]**