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ICANN77 | PF – GAC Communique Drafting (3 of 5)  
Thursday, June 15 2023 – 09:00 to 10:15 DCA

JULIA CHARVOLEN:

Hello, everyone, and welcome to the ICANN77 GAC Communique drafting session on Thursday, 15 June at 13 UTC. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. During this session, questions or comments submitted in the chat will be read aloud if put in the proper form. Remember to state your name and the language you will speak in case you will be speaking a language other than English. Speak clearly and at a reasonable pace to allow for accurate interpretation. And please make sure to mute all other devices when you are speaking. You may access all available features for this session in the Zoom toolbar. With that, I will hand the floor over to the GAC Chair, Nicolás Caballero. Nico, please.

NICOLÁS CABALLERO:

Thank you very much, Julia. Good morning, good afternoon, and good evening for those online. Welcome to the session. Let me just review the agenda for the day. We'll be covering the last, hopefully, the last two or potentially three sessions of the GAC Communique drafting. This session will run from 9 to 10:15 a.m. Then we'll have a 30-minute break. Right after that, we'll have the second draft session from 10:45 to 12:15. Then we'll have lunch for 90 minutes. And then, if needed, we'll have a third draft session from 1:45 p.m. to 3:00. Then we'll have another break for 30 minutes and we'll get to the wrap-up session at 3:30, running

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from 3:30 to 5 p.m. And then we'll have the closing cocktail. And hopefully, by that time, everything will be fine, everything will be agreed, everybody will be happy at that time. Hopefully.

So with that the idea for the first session, for the first Communique drafting session, is to start with issues of importance, unless you tell me otherwise, of course. So the idea is to cover as much ground as possible in issues of importance, and then review the advice language that we covered yesterday in order to make sure that those little tweaks, there were some editorial minor changes. But again, we got to make sure that everybody everyone is happy with those little tweaks. So with that, let's start right away with issues of importance. Any questions so far? Do we agree? Any other, do you have any better idea? Or we're good to go? As usual, I'm in your hands, so any good idea is always more than welcome. Seeing none, so let's get to it. I'll start reading issues of importance, and then we get to the details. So I'll start reading section four, issues of importance to the GAC.

Number one, close generic gTLDs. The GAC expresses its appreciation to GAC representatives who are collaborating with members of the GNSO and At-Large in the facilitated dialogue group, and remains committed to continuing this work after ICANN77. Before I go on, and this is for the benefit of the translators, is that speed okay? Please give me thumbs up or down. Is that acceptable? Thank you, all right. So let's move on. Considering that the draft framework has been circulated to review and input -- for review, sorry, for review and input by the GAC, GNSO, At-Large facilitated dialogue group on Closed Generics, just ahead of the start of ICANN77, the GAC conducted only a preliminary discussion on the proposed draft framework on closed

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generic TLDs. Can you please scroll down, Benedetta? Preliminary reactions from GAC addressed various areas of the draft framework for closed generic gTLDs.

The GAC raised concerns over competition issues, stressed the importance for closed generic gTLDs to serve a public interest goal, and discussed how this could be assessed by a potential evaluation panel. The GAC also discussed potential ways and means for governments to intervene during the evaluation and potential applications for closed generic gTLDs. The GAC reiterates its commitment to further elaborate its position in the period set for community comments on the draft framework and understands that a final framework, if one is agreed upon, could serve as a basis for future policy work to define criteria and rules for closed generic gTLD applications, there's an extra S there, in the next round of new gTLDs. It further emphasizes that further steps, including the possible initiation of a policy development process, PDP, should only be undertaken if in the final draft specific solutions are proposed and the above-mentioned issues are adequately addressed.

The GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if no satisfactory solution is found. Any potential solutions addressed in the final framework would be subject to the GAC's consensus agreement. And I'll pause there and see if there are any editorial suggestions, any comment, any reaction, anything you would like to change, add, or delete. Hungary, go ahead, please.

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PETER MAJOR: Just a minor thing, thank you. Well, we are talking about closed generic gTLDs, they should be consistent in the usage of the words. Some of them are in uppercase, sometimes some of them are lowercase, sometimes we repeat the generic, so gTLD itself is generic TLD, so I leave it to the Secretary, thank you.

NICOLÁS CABALLERO: Thank you very much, Hungary, we'll fix that. Any other comment? And I have the UK, Nigel, go ahead, please.

NIGEL HICKSON: Yes, thank you, Mr. Chairman. Good morning to you and good morning to you all. Good morning to everyone. Just looking at the final the final paragraph. So the GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if no satisfactory solution is found. I'm just not sure what the satisfactory solution refers to. I just don't think it's that clear. Does it mean that if the final proposed framework is satisfactory or, I just think that needs to be clarified a bit, but otherwise, I think this is a really excellent text. Thank you so much.

NICOLÁS CABALLERO: Thank you, UK. Would you have any edits? Would you propose any alternative wording for that particular phrase, Nigel, at this point?

NIGEL HICKSON: Thank you, Mr. Chairman, I'll think of one.

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NICOLÁS CABALLERO: Perfect. And I have the European Commission. Gemma, please go ahead.

GEMMA CAROLILLO: Thank you, Chairman. And just a quick clarification. It is my understanding, because this is the way the text was prepared, that this is a connection with the previous Communique, where we used the same expression. And the idea is that a satisfactory solution is a solution which makes sure that the important elements are addressed. This was discussed in Cancun already, if I'm not mistaken. Thank you very much.

NICOLÁS CABALLERO: Thank you, European Commission. I have the Netherlands and then France. Alisa, please go ahead.

ALISA HEAVER: Thank you, good morning. This is Alisa Heaver for the record. In the first paragraph of this section, it says, and actually also in the second paragraph, it says members of the GNSO and At-Large. And in the second paragraph, it says GAC, GNSO, and At-Large. I think we should at least say then the ALAC, and not At-Large, because to keep consistency. Thanks.

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NICOLÁS CABALLERO: Thank you so much, Netherlands. France, would you need to speak or...? We're okay.

JONAS ROULE: Thank you very much. I will take the floor in French. Thank you very much, Nigel, for that tweak in the last paragraph, or that precision. And I agree with the European Commission. This is language that comes from the previous Communique. However, some weeks have gone by since then. So if need be, we can certainly add some precision to the language if necessary. We would be open to do that.

NICOLÁS CABALLERO: Thank you, France. Any other comment? Julia, are we in the chat room? Any other comment in the room? I have Canada. Jason, go ahead, please.

JASON MERRITT: Thank you so much. Good morning, everyone. Could I make a small editorial proposal in the second to last paragraph where it says, it further emphasizes that further steps? To me, the two furthers just sounds a bit awkward. Is it possible to maybe say it further emphasizes that additional steps? It could just be a bit of a neurotic thing for me, but just as a suggestion.

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NICOLÁS CABALLERO: Thank you very much, Canada. So it would read, it further emphasizes that additional steps, including the possible initiation and blah, blah, blah. And so that, would that be for you?

JASON MERRITT: Yes.

NICOLÁS CABALLERO: So if there are no more suggestions, let me read the whole thing again in order to see if we're on the same page and then move on. So can you scroll up a little bit, please, Benedetta? maybe we can do the cleaning before actually reading for better understanding. So I'll begin reading and I can see that the United Kingdom is still adding some words at the end, so while he does that, I'll start reading for the sake of time. So, the GAC expresses its appreciation to GAC representatives who are collaborating with members of the GNSO and At-Large. We'll check that, because it should be ALAC or At-Large as the Netherlands suggested, but anyways.

So I'll repeat that. With members of the GNSO and At-Large in the facilitated dialogue group and remains committed to continuing this work after ICANN77, considering that the draft framework has been circulated for review and input by the GAC-GNSO-At-Large facilitated dialogue group, on Closed Generics, just ahead of the start of ICANN77, the GAC conducted only a preliminary discussion on the proposed draft framework on closed generic gTLDs.

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Preliminary reactions from GAC addressed various areas of the draft framework for closed generic gTLDs. The GAC raised concerns over competition issues stressed the importance for closed generic gTLDs to serve a public interest goal and discussed how this could be assessed by a potential evaluation panel. The GAC also discussed potential ways and means for governments to intervene during the evaluation of potential applications for closed generic gTLDs.

Can you scroll down a little bit, please? The GAC reiterates its commitment to further elaborate its position in the period set for community comments on the draft framework and understands that a final framework, if one is agreed upon, could serve as basis for future policy work to define criteria and rules for closed generic gTLDs. The GAC also discussed the possibility of closed generic gTLD applications in the next round of new gTLDs.

It further emphasizes that additional steps, including the possible initiation of a policy development process, PDP, should only be undertaken if in the final draft specific solutions are proposed and the above-mentioned issues are adequately addressed. The GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if a way forward that satisfies GAC concerns is not found. Any potential solutions addressed in the final framework would be subject to the GAC's consensus agreement. And I'll pause there in order to see if we are happy with the edits. And I have the United States. Susan, go ahead, please.



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SUSAN CHALMERS: Thank you kindly, Chair. And thank you to our colleague, Nigel, from the UK for the suggestion. I also had an idea, which, if time permitting, I'd like to share for the group's consideration.

NICOLÁS CABALLERO: Would you like to share it now, Susan?

SUSAN CHALMERS: Yes. So actually, why don't I, are we still able to live edit? Because I could put it in a comment, actually. That might be easier.

NICOLÁS CABALLERO: Sure, sure, go ahead, which was exactly what Nigel was doing a little while ago. So please feel free. We're still open, and basically, I just wanted to agree with you that the idea is to keep the editing period, so to say, open at least till noon, and then, for the sake of clarity, close it, or not close it, but manage the whole editing through Fabien and the staff in order to make sure that we'll be on the same page. Would that be okay for you? And I see some nodding. All right. Any other question? Any other comment? And I have France. Go ahead, please.

JONAS ROULE: Thank you, I will take the floor in French. Unfortunately, I think a small mistake was made when we added the text in the Google Doc. There seemed to be a missing sentence, so we will get back to you as soon as possible, soon as we have the sentence, and we will paste it into the document.

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NICOLÁS CABALLERO: Thank you, France. Maybe we can pause for, let's say -- So then, I'll continue reading, I'll pause this section of the text, and I'll continue reading from the second topic, so that later on, we can go back and look at the text proposed by the US and France, and any other edits you might like to add. Would that be okay? All right, so let's get to the second topic, which is DNS abuse. Fabien, go ahead.

FABIEN BETREMIEUX: This is Fabien Betremieux for the record from the GAC Support Team. Before we start, I just wanted to mention that there are several pieces of text in this section, which I understand were proposed by Japan, the European Commission, and the United States. And so, maybe it may be useful and efficient to maybe request the authors of the text how they'd like to proceed with this section at this moment, whether it's ready for a read, or whether there needs to be additional discussions, as a suggestion.

NICOLÁS CABALLERO: Thank you, Fabien, certainly. And this is, if I understand correctly, Japan, United States, and?

FABIEN BETREMIEUX: European Commission.

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NICOLÁS CABALLERO: And the European Commission. So, are there any edits, anything you would like to modify in this space? US, go ahead, please.

SUSAN CHALMERS: Thank you kindly, and good morning. I just wanted to offer a few words on our proposal, which if, there we are. Just in the way of explanation, we've sought to keep our text at the high level. This is because, in our view, the Communique should not go into detail on the proposed amendments, simply because the GAC discussion has not started on the public comment yet. So, we do not think that the Communique text should preempt those discussions. So, there are a few concepts in the text. Just very basically, we're expressing that DNS is a concern to GAC representatives. We celebrate, we appreciate the proactive efforts. We have added some detail in the second paragraph in response to some of the contributions during yesterday's session from GAC colleagues, from the floor. And then we conclude by saying that the establishment of baseline obligations is an important first step. However, further work should be done and should be undertaken, in particular, in light of the next round of new gTLDs. Thank you.

NICOLÁS CABALLERO: Thank you, US. And I have the European Commission. Go ahead, please.

GEMMA CAROLILLO: Thank you very much, Chair. This is Gemma Carolillo for the European Commission. So, if many of you would be so kind to also update with

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the text. So, from our perspective, what we have done, we have seen that there has been an initial text proposed by colleagues from Japan, which we support in broad lines, and we have further contributed to that in line with the discussion that we have had on the Sunday capacity building and yesterday's session. So, basically, there is quite a degree of overlap in the beginning with what US proposed. So, the appreciation for the effort and how this is important for such an important topic.

Then there is a part which refers to the need to ensure that the voluntary measures that are included are actually strengthened and make sure that these are taking place. And there is a part which is new, but that has been discussed in the session concerning the transparency. So, first of all, what is happening in case of non-compliance? And this was explained also by ICANN in the session, so we acknowledge the debate that took place with ICANN yesterday.

And also that ex post report is important regarding the measures that have been taken and the reasons why measures have been taken. So, not only have statistics evidence of abuse was tackled or not, but also the rationale behind that. Thank you very much. Thank you.

NICOLÁS CABALLERO:

Thank you, European Commission. Thank you, Gemma. And I have Japan. Go ahead, Nobu.

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NOBUHISA NISHIGATA: Good morning. Thank you, Chair. This is Japan, Nobu from for record. So, let me say a couple of things to explain about what the Japanese proposal was. It was like I edited put some sentences even before the session yesterday. So, the original text from Japan is more like my talking point. So just let me clear that. So then, of course, thanks to the Ross and the stage yesterday, then I got some good clarification. So, maybe like this is not anymore relevant to the Communique. So, then we have some input, thanks to Gemma and from European Commission, then we reached the point about the advisory or transparency, those kind of things, which is very good. So, we support and we appreciate it. Then, we had the Susan, the United States, the alternative text. Then, let me speak some comments about the alternative text on it.

Then, so in the baseline, we do appreciate the alternative text and the Susan's work. And then, the first paragraph and the second paragraph, I'm not sure how the European Commission thinks about it, but we are pretty much with it. Then, about the third paragraph, I have some question to the United States. And my point that I wanted to make in the first original text from us was that we want to see or we want to clarify that this amendment is good, but this amendment draft is not the end of the work between the ICANN org the contract party houses. So, then, I wanted to make sure, then we are not sure yet because it's Communique session, it's more we need hear more about from other colleagues than us. But still, I would raise the point that we still have some issues remained or not solved by this draft amendment, including the point that Japan is always making the point that there's some clarification in the RAA 3.18.1 things.

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And of course, we see some amendment in that article, but still, this is not about our concern from Japan government perspective. So, then, getting back to the Susan text, then we are not sure how she wrote, then asking some question, like the GAC, my question is GAC doesn't look forward to contributing the opportunity for the public. We do anyway. So, maybe we look forward the further work on the remainder of the issue, the Lorin and the Public Safety Working Group, they discussed yesterday a little bit about it. So, we tried to propose, it's quite a tough challenge to me to do some edit on the US text, but we can propose some for the better sharing, but still, it's just Japan's perspective. So, maybe I'd say that we need more, or we'd like to know the temperature of this floor or how the other colleagues think about this. Thank you.

NICOLÁS CABALLERO: Thank you, Japan. I'm not sure I understood your question though. Was that a question for the Public Safety Working Group? Was that a question to Susan Chalmers from the US delegate, or was it a general question for the GAC? I'm not entirely sure I understand your -- Go ahead, please, Japan.

NOBUHISA NISHIGATA: This is Japan for record. So, it combines a couple of things. The first point is that we, but here from Japan perspective, we'd like to know more, we'd like to hear more about this text. How do you feel from the other countries' voice? So, this is the first point. The second point is that that there's some question about the Susan text. Then we can solve maybe offline or just, but there's some questions in the last paragraph, particularly about what we look forward. Thank you.

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NICOLÁS CABALLERO: Thank you, Japan. US, go ahead, please.

SUSAN CHALMERS: Thank you, Chair, and thank you to our colleague, Nobu from Japan for his comments. I support Nobu's suggestion that encouraging the rest of the room to share their ideas on the text because I think it would be useful if the Commission Japan and the United States, we took a pause and worked on this together. I also just in support of the concept that further work should be progressing on this after the contract baseline is established, I realize that the text does not recognize or acknowledge the anticipated policy development processes that both the GNSO and ICANN and the contracted parties have said will take place following the establishment of the baseline obligations. So, that could be, again, another element to say that we are looking forward to these targeted PDPs that build upon the work of the contract baselines. I also recall that during ICANN76, during a discussion between the GAC and the board, we had requested listening sessions, which the board had said that it could direct to those PDPs.

So, there is a lot of other work that we anticipate, we have anticipated, especially at ICANN 76 that is not reflected in this. So, just, sorry, it was a long way to say that. I support Japan's suggestion that we clarify and perhaps build up the text and the Communique here around those future developments that we expect to happen.

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NICOLÁS CABALLERO: Thank you, US. So, my recommendation would be to take it offline and then maybe you have some discussion during coffee break or whatever. So, for the sake of time, then I'm not going to be wasting your time reading the whole thing. So, let's move on and then after you agree on whatever text you finally decide, we read it. For the sake of time, again, unless you want me to read the whole thing, which will change anyway. So, I'm in your hands. UK, go ahead, please.

NIGEL HICKSON: Yes, thank you very much, Mr. Chairman, Nigel Hickson. So, obviously, the parties that have graciously put forward this text will obviously need to reflect on your suggestion. I'm not qualified to do that, but clearly we need a single text. But I'd just like to support what our distinguished colleague from the US just said. So, we had a long discussion on these issues at ICANN76 and indeed, many sessions before that. And we have existing GAC advice, as you well know, Mr. Chairman, that asked for various actions to be taken. And this contract amendment is certainly one of those before the next round of gTLDs is issued. So, I think it really is appropriate in this language to flag our appreciation of the fact that the board and the GNSO have indicated that they will be, or the GNSO have indicated that they'll be willing to take forward these policy development, these mini PDPs, or however we want to phrase them on specific DNS use issues ahead of the next round. Thank you very much.

NICOLÁS CABALLERO: Thank you, UK. Any other comments? Julia, are we with the online chat? No problems? And I have the US again. Go ahead, please, Susan.



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SUSAN CHALMERS: Sorry, just to note that we can keep moving forward, but I have proposed an alternative on the Closed Generics issue as well.

NICOLÁS CABALLERO: And you would like me to read that now or...?

SUSAN CHALMERS: It's up to you, Chair, but it could be a way to finish our first run through of that section.

NICOLÁS CABALLERO: Thank you, US. So, again, for the sake of time, I'll go back to Closed Generics while you're word-smithing the DNS abuse section. Would that be okay? And then whenever you're ready, we can just keep going. So I'll go back to Closed Generics, because I also noticed that France also added some. France, would you like to go ahead?

JONAS ROULE: Thank you. I will take the floor in French [Participant speaking in French - 00:32:40].

NICOLÁS CABALLERO: There is some issue with the sound. They can't get to translate. Are we now? Can you hear him? I'm sorry, France, I'm very sorry, but there was a problem with the microphone. Could you please repeat?

JONAS ROULE: I was just saying that there was a small problem when we added the text. That was our fault. So we wanted to go into further detail, but try not to be too brief in order to provide more substance to this discussion, given its importance. As a GAC representative, I believe it is important to provide more accurate language to make sure that all of us understand what is at stake.

NICOLÁS CABALLERO: So I'll just concentrate on the third paragraph, then, which is the one that actually changed, and then the last one, for the sake of time again. So I'll read the third paragraph. It reads, preliminary reactions from GAC addressed various areas of the draft framework for closed generic gTLDs. The GAC raised concerns over the lack of convincing resolutions for preliminary yet fundamental matters in the draft framework and discussed the need for further clarification on use cases contained. These pertain, among the others, to competition issues, the overall assessment of the value of Closed Generics for the internet, their potential negative economic and social impacts, and also expressed doubts regarding the identification of compelling case studies or the lack of operational definitions of critical concepts such as public interest. The GAC also discussed potential ways and means for governments to intervene during the evaluation of potential applications for closed generic gTLDs.

And I'll pause here in order to see if there are any reactions, any comments, any edits you would like to make. If not, I'll continue reading, and you can pause me any time you want. So we'll scroll down

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to the bottom, which -- There. Thank you. I understand that we had a suggestion that you came. So there are two propositions here, one from the US and one from the UK. So I'll read both paragraphs now.

The GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if a way forward that satisfies GAC concerns is not found. Any potential solutions addressed in the final framework would be subject to the GAC's consensus agreement. And there's an alternative text here. The GAC may wish to support the prohibition of Closed Generics should the final framework fail to provide a satisfactory solution. Any reaction? Any comments? And I have France. Go ahead, please.

JONAS ROULE:

Thank you. I will take the floor in French. The proposal formulated by my colleagues from the UK is better. It's more synthetic. And I think we shouldn't waste time trying to draft this message differently. So this is a good proposal.

NICOLÁS CABALLERO:

Switzerland.

JORGE CANCIO:

Hello. Thank you, Chair and Jorge Cancio for the record. I just wanted to note it's not a proposal for the text as such. But I have a certain concern that the messaging is a bit negative. It's like asking for solutions whilst we are not offering any for the moment. At least none that are different to what is in the framework right now. I feel there

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should be a bit more of commitment. Like saying yes, we need satisfactory solutions. And we will use the public comment phase to offer what we deem are or could be satisfactory solutions. Because otherwise I don't think it's really in the spirit of a multi-stakeholder collaboration. I don't know if this is acceptable to colleagues. And if it is, I could offer some language in 10 minutes or 15 minutes time.

NICOLÁS CABALLERO: Thank you, Switzerland. If I understand correctly, Jorge, you would propose some alternative text at this point? Is that what you're saying?

JORGE CANCIO: Yes, if colleagues agree that we don't just only ask for satisfactory solutions, but that we commit to offer what we deem may be satisfactory solutions in the public comment phase. If that's acceptable, this thought is acceptable to colleagues, I would prepare a text along the lines. But of course, if colleagues have reservations with this, I would avoid the effort.

NICOLÁS CABALLERO: Thank you, Switzerland. I have the European Commission. Go ahead, Gemma, please.

GEMMA CAROLILLO: Thank you very much, Chair. I appreciate the effort that Jorge is proposing to produce new text. But I think the point he's making is really the bottom line of the issue. So we have had a few colleagues

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from the GAC who have produced a huge effort to contribute to this draft framework. And we came back, and this is only a preliminary assessment, that we still have big question marks.

We are not in a position today to commit that in the public comment, we will be able in the five days we have to propose the draft, by the way, because having seen the timeline that the colleagues have presented us yesterday, to find the solutions ourselves to the issues that a big group of very competent professionals at the moment have not brought to the table. So we will sincerely engage in the public comment period, but I don't think we are today in the position to say we will provide the solution in a few days. Thank you very much.

NICOLÁS CABALLERO:

Thank you, European Commission. Let me read the chat, because there are some countries that actually support Jorge's, Switzerland's proposal, like Nigeria, Egypt, and Argentina support keeping the paragraph as it is. And then Switzerland says that there is actually one month, not five days, if I'm not mistaken. And then Nigeria says, I believe the response is by July 15th, and so on and so forth. So again, I'm in your hands, I'm not taking parts, I'm 100% neutral, I'm going to do whatever you tell me to do. So I have Switzerland and then France, and then the US. Switzerland, go ahead, please.

JORGE CANCIO:

Yes, thank you. Thank you, Nico. And thank you, Gemma, for your reaction. I think it would be collegial if we would try this. I haven't said that we would offer the solution, but that we would at least identify

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what we think could be possible solutions. And I think that's fair, and that's in the spirit of multistakeholder collaboration. And if this is not possible to find such an addition, while maintaining the rest of the text, I would need to go over the whole text and rework it, because it wouldn't really reflect what our national position is. So I don't know if we want to engage in that. Thank you.

NICOLÁS CABALLERO: Thank you, Switzerland. I have France and then the US.

JONAS ROULE: Thank you. I will take the floor in French. Thank you so much, Jorge, for this proposal. However, at the previous paragraph, we mentioned the possibility to reach a position and formulate comments. I think we agree on the overall objective, which is to produce comments. And I don't think it is necessary to recall that at the last paragraph, which, let me recall, comes from previously agreed language. We're just saying that we will be working together on comments. I don't feel it is essential to recall that once again.

NICOLÁS CABALLERO: Thank you, France. I have the US.

SUSAN CHALMERS: Thank you, Chair, and thank you to our colleagues for the discussion and reactions. And just taking a look at the chat and hearing the discussion of our colleagues, we are happy to retract the proposal. It

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does not seem to be gaining sufficient support. Jorge, if you are going to take the pen, I would just suggest there's one thing in the last sentence. Any potential solutions addressed in the final framework would be subject to the GAC's consensus agreement. We just that seems procedurally inaccurate. I'm unclear on what this means. I don't think that the solutions in the final framework, which is a product of the multi-stakeholder process, are subject to GAC consensus agreement. So I would just ask our colleague from Switzerland, if he's taking a look at this last paragraph, if he might also pay attention to that issue.

NICOLÁS CABALLERO: Thank you, US. I have Egypt, but if you allow me, Egypt. Switzerland, would you like to answer?

JORGE CANCIO: Thank you, Nico, for the record. Just very briefly, thanks very much to all of those that have shown an openness to trying this out. I will do my best and trying to reflect the different sensitivities. If that's for you, Nico, you are the boss for this. On what Susan just said, that that is language from the last Communiqué, but I stand to be corrected. I know that probably in procedural terms, according to the ICANN bylaws, that's perhaps not exactly the case. So perhaps somebody wants to adapt it, but I would like to focus on the sentence on the public comment period and the commitment, or the intention at least of the GAC to try to really propose also solutions, not only asking for solutions coming from third parties. Thank you.

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NICOLÁS CABALLERO: Thank you, Switzerland. I have Egypt. Manal, go ahead, please.

MANAL ISMAIL: Thank you, Chair. I think the last paragraph on the screen now makes it clear that we are not excluding any options. Like Denmark, I'm also looking forward to Jorge's drafting. I would like to see it in writing. And maybe when we receive it, we can fine-tune and if necessary, make sure that the valid points raised by the European Commission and others regarding not over-committing, we can try to fine-tune the language. But I think it's worth trying. And thanks, Jorge, for offering to provide draft text. And we are making a point that nothing is excluded if no solution is found, but again, offering to be constructive and try to work with others to find the satisfactory, which is a good balance. But I fully agree, good points, that we shouldn't over-commit that early, but we can look at the text. Thank you.

NICOLÁS CABALLERO: Thank you very much, Egypt. I have Canada and then the European Commission. Jason, go ahead, please.

JASON MERRITT: Thank you very much. Apologies if some of this is going over my head a little bit, but maybe an additional option, if it's helpful, would be to just end the text at if a way forward that satisfies the GAC concerns is not found.



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NICOLÁS CABALLERO: Sorry, Jason, could you please speak a little bit closer to the microphone?

JASON MERRITT: Sure, I'm sorry.

NICOLÁS CABALLERO: Thank you. Sorry about that.

JASON MERRITT: We could possibly just end the text after found in that last paragraph and not necessarily deal with the issue of solutions and really kind of expanding the text. A lot of this is a given. The GAC has options for producing advice in the future. We can collectively submit to the comment. Individual countries can submit to the comment. I think that's all going to come through. But perhaps it's an option to keep it a little bit tighter and simpler, the text, knowing that these options are inherently available. Just a suggestion.

NICOLÁS CABALLERO: Thank you kindly, Canada. I have Gemma from the European Commission. Go ahead, please.

GEMMA CAROLILLO: Thank you very much, Chairman. Very briefly, just to make clear that, of course, my intervention was not meant to preempt any very welcome proposal from Switzerland. I just wanted to make clear that we have

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concerns about the commitment regarding finding a solution. Today, we don't find ourselves in a position to commit to that. Thank you.

NICOLÁS CABALLERO: Thank you, European Commission. Any other question? Any other comment? Switzerland again. I'm sorry. Back to you, Jorge.

JORGE CANCIO: Thank you so much. Perhaps I can try to have it short to propose some text you may see right now in the Google Doc. It tries to build on the existing text. This is the para that begins with the GAC reiterates its commitment to further elaborate its position in the period set for community comments on the draft framework. Now comes the addition, and intends to suggest potential solutions to the above-mentioned questions that have been preliminarily identified, and then it continues as it was. I think this is a small edition of constructive spirits that we will do our share in finding solutions, but I don't use commit. I use intent. It's potential solutions. It's suggesting potential solutions, not finding them. I hope this is acceptable to colleagues. Thank you.

NICOLÁS CABALLERO: Thank you, Switzerland. There's also support for Canada's suggestion from Hungary, from the United Kingdom, from the US and from Australia, by the way, just to be aware of. So, any other comment? If not, let me read then. Let me read the whole paragraph in order to see if it makes sense with the new edits. Would you please scroll up a little bit? So I'll try to read the whole thing. Can you do some cleaning then

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there before I read the whole thing? So this is topic number one, closed generic gTLDs. The GAC expresses its appreciation to GAC representatives who are collaborating with members of the GNSO and At-Large in the facilitated dialogue group and remains committed to continuing this work after ICANN77. Considering that the draft framework has been circulated for review and input by the GAC GNSO At-Large facilitated dialogue group on Closed Generics, just ahead of the start of ICANN77, the GAC conducted only a preliminary discussion on the proposed draft framework on closed generic gTLDs.

Preliminary reactions from GAC addressed various areas of the draft framework for closed generic gTLDs. The GAC raised concerns over the lack of convincing resolutions for preliminary yet fundamental matters in the draft framework and discussed the need for further clarification on use cases contained. These pertain among the others to competition issues, the overall assessment of the value of Closed Generics for the internet, their potential negative economic and social impacts, and also expressed doubts regarding the identification of compelling case studies or the lack of operational definitions of critical concepts such as public interest. And there are two periods there. Thank you. The GAC also discussed potential ways and means for governments to intervene during the evaluation of potential applications for closed generic gTLDs.

The GAC reiterates its commitment to further elaborate its position in the period set for community comments on the draft framework and intends to suggest potential solutions to the above-mentioned questions that have been preliminarily identified and understands that a final framework, if one is agreed upon, could serve as a basis for future

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policy work to define criteria and rules for closed generic gTLD applications in the next round of new gTLDs. It further emphasizes that additional steps, including the possible initiation of a policy development process, PDP, should only be undertaken if in the final draft specific solutions are proposed and the above-mentioned issues are adequately addressed. The GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if a way forward that satisfies GAC concerns is not found. And I'll pause there to see your reactions. And I have the European Commission. Go ahead, please, Gemma.

GEMMA CAROLILLO:

Thank you very much, Chairman. And thank you. I would like to comment to the new text proposed by Jorge, and thanks for that. I would propose a slight amendment, because now reading the text, I see that we are saying that we intend to suggest potential solutions on the above-mentioned questions. So it refers to the set of issues that have been identified. I would say, as I said, in a way to mitigate the commitment, because intent to suggest potential solutions leads to me that we're kind of ready with all these solutions.

And checking the timeline, I was mistaken. But we have 10 days for this, according to the timeline given by the colleagues. So I would propose that we could say that we seek to address the above-mentioned questions or the questions that have been preliminary identified. Still, we are saying that we will seek to address those, but intent to propose solution, in my view, suggests that we have the solutions in the pocket. Thank you.

NICOLÁS CABALLERO: So would that be okay? Gemma, to -- the way it is now. Seeks to address and erase intent.

GEMMA CAROLILLO: One small thing, perhaps it's totally, the above-mentioned and questions that have been preliminary identified I'm fine with keeping the above-mentioned, but I don't know whether it's repetition, but of the fact that they have been preliminary identified. It's editorial.

NICOLÁS CABALLERO: Thank you, Gemma. So would that do it, the way it is now? Would it be now, like the way it is?

GEMMA CAROLILLO: Yes, absolutely.

NICOLÁS CABALLERO: Thank you. And I have France. France, go ahead.

JONAS ROULE: Thank you. I will take the floor in French. First of all, I second this new proposal. Thank you very much, Jorge. And I also thank the Canadian proposal. And I do not wish to repeat myself, but I think it's important to maintain some language that comes from the last Communiqué. And I think it is most important to state our position on Closed Generics

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before we move on to other topics. So I think we should keep strong and previously agreed language, if possible.

NICOLÁS CABALLERO: Thank you, France. And I have Switzerland. Jorge, go ahead, please.

JORGE CANCIO: Thank you, Chair. And thanks to Gemma for the flexibility. I feel this reads well, so I could live with this. So I hope everyone else can also, and we can move to other issues. Thank you.

NICOLÁS CABALLERO: Thank you, Switzerland. And I see support for the European Commission from Spain, from Switzerland, from Denmark, and from the United Kingdom. So maybe we can do some cleaning again and read only that paragraph again for the sake of time, so that we can move forward. Would that be okay? And I see some nodding, so I'll do just that. And let me check their support from the United States as well. So it would read like this. The GAC reiterates its commitment to further elaborate its position in the period set for community comments on the draft framework and seeks to address the above-mentioned questions and understands that a final framework, if one is agreed upon, could serve as a basis for future policy work to define criteria and rules for Closed Generics gTLD applications in the next round of new gTLDs.

It further emphasizes that additional steps, including the possible initiation of a policy development process, PDP, should only be undertaken if, in the final draft, specific solutions are proposed and the

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above-mentioned issues are adequately addressed. The GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if a way forward that satisfies GAC concerns is not found. And I have China. Lang, go ahead, please. And then Switzerland.

WANG LANG: Thanks, Nico. The second paragraph, the second to last row, policy development process, PDP. As my colleague mentioned in the chat box, here should be EPDP, expedited PDP as our joint session with the GNSO. This is our little suggestion. That's it.

NICOLÁS CABALLERO: Thank you, China. Well noted. Switzerland, go ahead, please.

JORGE CANCIO: Thank you so much. Regarding what my colleague from China just said, I'm not absolutely certain whether the GNSO has taken a determination that it will be an EPDP or whether this is just their thinking for the time being. But I stand to be corrected. Perhaps this could be as it is a factual element. It could be checked by our support staff, with GNSO support staff. I wanted to just raise a very tiny, tiny point on the second line of this second to last paragraph. We have a square bracket behind questions that we should take out. Thank you, Fabien.

NICOLÁS CABALLERO: Thank you, Switzerland. It's already been done. So we'll check the EPDP or PDP with staff. Benedetta, go ahead, please.

**BENEDETTA ROSSI:** Thank you very much, Nico. And thank you, Jorge, for the clarification. Just in terms of the next steps for the GNSO Council, my understanding is that the Council is looking into this. It's not decided as of yet. So a potential way of addressing it, which I think is how it's been addressed in the draft framework for Closed Generics, is just noting policy process. So it's not specifying whether it's a PDP or whether it's an E-PDP. So it will be more general, but it's up to the GNSO Council ultimately to decide which type of policy process they will initiate. Thank you.

**NICOLÁS CABALLERO:** Thank you very much, Benedetta. So we'll put in brackets again, just in case. So again, for the sake of time, we still have 10 minutes. So let me read it again in order to see if it makes sense to everyone. So the paragraph would read, the GAC reiterates its commitment to further elaborate its position in the period set for community comments on the draft framework and seeks to address the above-mentioned questions and understands that a final framework, if one is agreed upon, could serve as a basis for future policy work to define criteria and rules for Closed Generics gTLD applications in the next round of new gTLDs.

It further emphasizes that additional steps, including the possible initiation of a policy development process, should only be undertaken if in the final draft specific solutions are proposed and the above-mentioned issues are adequately addressed. The GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if a way forward that satisfies GAC concerns is not found.



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And I think we need a semicolon before, let me see, after questions the above-mentioned, the second line after questions, there should be a semicolon because this is and I don't know, maybe it's just me. Does it make sense? Are we on the same page? And I have France. France, go ahead, please.

JONAS ROULE:

Thank you. I will take the floor in French. So I'm going to try it again on the last paragraph. Perhaps a compromise would be to work on the language of the last communiqué. In English, in any event, any potential solution will be subject to the GAC consensus agreement, which is slightly wider than the previous proposal, and I hope that this can be acceptable to all.

NICOLÁS CABALLERO:

Thank you, France. US, please go ahead.

SUSAN CHALMERS:

Yes, I'd just like to clarify because this suggests that, and perhaps I'm mistaken here, but this suggests that solutions within the framework for the community that are developed by the community may not go forward unless the GAC agrees. And I'm just, perhaps I'm confused on the process. So I'd like to just understand procedurally how this works and would appreciate a clarification from other colleagues. Thanks.

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NICOLÁS CABALLERO: Thank you, US. In the meantime, let me read then how the last paragraph, according to the last modification by France, would read. So, the GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if a way forward that satisfies GAC concerns is not found. In any event, any potential solution will be subject to the GAC consensus agreement. And Benedetta will provide some clarification for the US.

BENEDETTA ROSSI: Thank you very much, Nico. And just just to address US's comments. In terms of next steps for the facilitated dialogue, it is understood that they will collect, and members who are on the actual dialogue can correct me here. It is understood that community input, so the input from the GAC, will be collected until the 15th of July. Once that happens, they will reconvene, taking into account the input, and then a final framework will be reissued for community endorsement, basically. That's a lowercase e, not an uppercase. So in that sense, it is somewhat accurate to say that the GAC will need to agree to it, because you could, as the GAC, say, no, we don't agree for this final framework to go through to policy process. And then they will need to consider what to do with that. I hope that makes sense. Thank you.

NICOLÁS CABALLERO: Thank you kindly, Benedetta. And I see support from Spain to the last edit made by France. Any other comment? Julia, are we with a chat room? Do we have any?

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JULIA CHARVOLEN: A hand raised from Nigel Hickson, UK.

NICOLÁS CABALLERO: UK, go ahead, please.

NIGEL HICKSON: Yes, thank you very much, Mr. Chairman, Nigel Hickson. So I think really Benedetta is sort of taking the words out of my mouth. I think the distinguished delegate from France is absolutely right in his comment that there was the GAC addressed this topic and there is GAC -- sorry, there is language in the communiqué from the last session. But I also think it's correct that we can't really say that the solutions are subject to or the potential solutions are subject to GAC approval. It's the framework, because as Benedetta said, so if there is going to be a final framework, then that final framework will presumably address some of these issues. Well, hopefully it will. And then the framework will go out for endorsement by the SOAC community. And as we said in the communiqué last time, and as France indicated, that will then be subject to GAC approval. So I think it's the framework, so to speak. Thank you.

NICOLÁS CABALLERO: Thank you, UK. And I see some support in the chat room for France, and then Switzerland agreeing with the UK as regarding the framework, and also support from Egypt to the UK. So we still have three minutes. I can read the paragraph as it is before the break. So maybe with some good cappuccino in hand, our ideas can clarify a little bit. Would that be

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okay? Unless you have a better idea, of course. So I'll just read the last two paragraphs in order to see if we have an agreement here.

The GAC reiterates its commitment to further elaborate its position in the period set for community comments on the draft framework and seeks to address the above-mentioned questions, and understands that a final framework, if one is agreed upon, could serve as a basis for future policy work to define criteria and rules for closed generic gTLD applications in the next round of new gTLDs.

It further emphasizes that additional steps, including the possible initiation of a policy development process, should only be undertaken if in the final draft specific solutions are proposed and the above-mentioned issues are adequately addressed. The GAC recalls that no policy option, including the prohibition of Closed Generics, should be excluded if a way forward that satisfies GAC concerns is not found. In any event, the framework will be subject to the GAC consensus agreement. Are we okay with that? Any comment? Any clarifications in the room or in the chat room? Seeing none, let's pause here. Let's break for 30 minutes and then again, if needed, maybe we can discuss this with some good cappuccino in hand. So enjoy your break. We'll have a 30-minute break. We'll be back at 10:45. Thank you.

**[END OF TRANSCRIPTION]**