19 May 2022

RE: Closed Generics

Manal Ismail
Chair, ICANN Government Advisory Committee (GAC)

Dear Manal,

On behalf of the Board, I would like to thank the Governmental Advisory Committee (GAC) for your 22 April 2022 correspondence on the issue of closed generics. The Board appreciates the GAC's agreement to take part in the proposed dialogue with the Generic Names Supporting Organization (GNSO) Council to develop a framework on closed generics. We would like to respond to some of the points raised in your letter regarding proposed actions outlined in the framing paper.

The next step in the process is to come to an agreement on a potential facilitator. We note with thanks the criteria the GAC supplied in its letter for selecting such a person. We understand the GNSO Council will also provide the Board with criteria. Once the criteria are agreed upon, the Board will reach out to potential candidates.

Once the facilitator is identified, this individual will work with ICANN org to produce the "Problem Statement and Briefing Paper", as noted in the framing paper. We agree with the GAC that the process surrounding the 2017 discussion on IGO and Red Cross Identifiers is a useful source when defining issues, scope, and other relevant parameters for the dialogue on closed generics.

Regarding your letter and recent correspondence from the GNSO Council, the Board is pleased to note that the GAC and GNSO Council are aligned on focusing the framework discussion on options other than the two endpoint positions, specifically no closed generics at all, and closed generics without restrictions.

In your letter you asked how many participants should be involved in the framework dialogue, noting the need for balanced representation. This issue will be addressed in the briefing paper that ICANN org and the facilitator will prepare. Still, we encourage the GAC and GNSO Council to confer on this issue and inform the Board or staff of any agreements that you may reach, including further direction about the potential participation of the At-Large Advisory Committee (ALAC) in this process.

Regarding your question on the potential impact of the framework dialogue and subsequent policy development on future rounds of new generic top-level domains (gTLDs), the Board notes that there are dependencies in the overall operational design of the next round related to closed generics. However, we anticipate that any needed policy development work (following the successful conclusion of the framework discussion) could take place in parallel with the latter stages of the Operational Design Phase (ODP) and the early stages of the implementation process, should the Board approve the Final Report.

We look forward to receiving further updates related to closed generics.

Best regards,

Maarten Botterman
Chair, ICANN Board of Directors