7 August 2023

Dear participants in the ALAC-GAC-GNSO Facilitated Dialogue on Closed Generic gTLDs,

As the Chairs of the three community groups that agreed to participate in this dialogue, we are extremely grateful to you as well as very proud of how your work is a testament to the robustness and viability of ICANN's multistakeholder model. We would like to thank you all for all the hard work, collaborative effort, and time that you have put into this project, resulting in a detailed draft framework for potential policy work that reflects the many hours of good faith discussions that took place.

You had referred two questions to us; namely: (1) Based on the fundamental issues identified [by this group], is it possible for this policy topic to reach a final framework document? (2) If so, is the Facilitated Dialogue group the most appropriate place to do that work, understanding that such work will likely extend the efforts of this group beyond the next two months?

We have met twice to discuss the questions you raised as well as the broader topic of whether resolving the issue of closed generic gTLDs as a policy matter should be a dependency for the next round of new gTLDs. As you know, on 27 July 2023 the ICANN Board accepted ICANN org's proposed implementation plan for the next round, which anticipates the Applicant Guidebook being finalized by May 2025 and applications to open in Q2 of 2025 (https://www.icann.org/en/blogs/details/icann-board-accepts-next-round-implementation-plan-from-icann-org-31-07-2023-en). In this regard, and in anticipation of a Final Framework to underpin expected policy development work on closed generic gTLDs, the GNSO Council had submitted an initial estimated timeline (as requested by the Board) that spans 84 weeks from the requisite preparation of a working group charter (not including the mandatory Public Comment periods or the time necessary for Board adoption of any final policy recommendations).

We noted that there does not seem to be strong community demand for closed generic gTLDs in the next round, particularly if success in obtaining a gTLD in this category will entail engaging in a complex process with complicated requirements.

We are also aware that the dialogue group is currently preparing to identify fundamental issues revealed by the community feedback you received on the draft framework, on the basis that "fundamental issues" mean either issues that must be resolved as part of a final framework that the participating community groups can agree to, prior to policy development work being started, or issues that the group believes to be irresolvable based on the discussions that have already taken place. From our understanding of your deliberations to date, it seems likely that this will not be a quick or straightforward exercise and will likely mean that your planned timeline to conclude this dialogue by the end of Q3 2023 will need to be extended.

Finally, as the elected leaders of three community groups who are extremely active in multiple projects and activities that include (but are not limited) to the next round of new gTLDs, we are very conscious of the need to ensure that volunteer time and resources are optimally allocated, as much as is feasible.

As a result of all these considerations and our discussions, **we believe that it is not necessary to resolve the question of closed generic gTLDs as a dependency for the next round of new gTLDs, and we plan to inform the ICANN Board accordingly.** We agree with the ICANN Board (in its original invitation to the GAC and the GNSO to engage in a facilitated dialogue) that this topic is one for community policy work, rather than a decision for the Board. As such and based on our collective belief that there is neither the need nor the community bandwidth to conduct additional work at this stage, **we also plan to ask that, for the next round, the Board maintain the position that, unless and until there is a community-developed consensus policy in place, any applications seeking to impose exclusive registry access for "generic strings" to a single person or entity and/or that person's or entity's Affiliates (as defined in Section 2.9(c) of the Registry Agreement) should not proceed.** Finally, we also plan to inform the Board that **any future community policy work on this topic should be based on the good work that has been done to date in this facilitated dialogue.**

To be clear, by "closed generic gTLDs" we mean those gTLDs as defined by the base gTLD Registry Agreement (in Specification 11, Section 3(d)). As such, our communication to the ICANN Board will clarify that our intention is not to restrict or change how restricted gTLDs (including strings that the GAC might consider highly regulated or sensitive) should be handled. In other words, we believe that the scope of the Board's decision on "closed generic gTLDs" for the next round should be the same as that for the 2012 round.

Additionally, and to emphasize our belief and gratitude that this group has collectively made a lot of progress and provided a substantive framework for any future policy work that the community may decide to undertake on the topic of closed generic gTLDs, we ask that the staff supporting this dialogue work with you to ensure that your work is thoroughly documented, including any fundamental issues that you may have identified from your review of the community feedback on the draft framework, to the extent that you have engaged in this exercise, including an outcomes report from the facilitated dialogue itself. We think that having a full record of your deliberations and their outcomes (even if preliminary) will be extremely important should this topic be taken up again in the future.

We thank you all again for your commitment, goodwill, time, and effort in moving us all forward on a longstanding and difficult issue for the community. Although our decision in response to your questions is that we think it is not necessary for this facilitated dialogue to develop a final framework or for the GNSO to initiate policy work on the topic of closed generic gTLDs, we hope it is equally clear that this does not represent any criticism or weakness of ICANN's multistakeholder model. On the contrary, we believe that the progress that you made and the collaborative spirit that you exhibited throughout your work clearly demonstrates that our bottom-up, consensus-based, multistakeholder model works.

Sincerely,
Nico Caballero (GAC Chair)
Sebastien Ducos (GNSO Chair)
Jonathan Zuck (ALAC Chair)