19 May 2022

RE: Closed Generics

Philippe Fouquart
Chair, ICANN Generic Names Supporting Organization (GNSO)

Dear Philippe,

On behalf of the Board, I would like to thank the Generic Names Supporting Organization (GNSO) Council for your 27 April 2022 correspondence on indicating the Council's willingness to pursue next steps related to concerns with closed generics. In addition, thank you for including concerns raised by the Non-Commercial Stakeholder Group, which the Board has noted, in your letter.

We appreciate you sharing the GNSO Council's understanding that, in the absence of a recommendation to change the current policy, the approach for closed generics may be out of harmony with Governmental Advisory Committee (GAC) advice on this topic. The Board has a strong preference for the community developing policy that eliminates the existing conflict, and we believe that an initial framework dialogue between the GNSO Council and the GAC will be an important first step in this direction.

Per your letter and recent correspondence from the GAC, the Board notes with satisfaction that the GNSO Council and the GAC are aligned on focusing the framework discussion on options other than the two endpoint positions (i.e. no closed generics at all; closed generics without restrictions).

The next step in the process is to come to an agreement on a potential facilitator. We note that the GAC has supplied selection criteria for such a person and we look forward to hearing whether the Council has additional criteria in mind. Once the facilitator is in place, they will work with ICANN org to produce the "Problem Statement and Briefing Paper" - as laid out 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 for the GNSO Council and GAC's consideration when defining issue, scope and other relevant parameters for the dialogue on closed generics.

In its letter the GAC raised the question of 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 - once in place - will prepare. Still, we encourage the GAC and the Council to confer on this issue and inform the Board or staff of any agreements that you may reach, which might also include any further direction on the request from the ALAC to the GAC about the ALAC's participation in the process.

We know that timing is an important concern for many in the community, including in the GNSO. In this context, the Board has already shared with the GAC its view that the issue of closed generics has few dependencies in the overall operational design of the next round. We are reiterating this point in our letter to you, noting we anticipate that any policy development work - that would follow a successful conclusion of the framework discussion - could take place in parallel with the later stages of the ODP and the early stages of the implementation process, should the Board approve the Final Report.

We look forward to hearing back with any input or updates you may have on the discussions with the GAC on these matters

Best regards,

Maarten Botterman
Chair, ICANN Board of Directors