GNSO COUNCIL REVIEW OF GAC ADVICE CONTAINED IN THE ICANN78 GAC COMMUNIQUE

GAC Advice - Topic	GAC Advice Details	Does the advice concern an issue that can be considered within the remit[1] of the GNSO (yes/no)	*If yes, is it subject to existing policy recommendations, implementation action or ongoing GNSO policy development work?*	*How has this issue been/is being/will be dealt with by the GNSO*
1. Closed Generics	a. The GAC advises the Board: The GAC expresses its appreciation for the efforts of the participants in the GAC, GNSO and ALAC Facilitated Dialogue on Closed Generics. a. The GAC advises the Board: i. Prior to the next round of New gTLDs, to ensure that the forthcoming Applicant Guidebook clearly states that Closed Generic gTLD applications will not be considered. RATIONALE The GAC offers this advice in recognition of the support of the message from the Chairs of the ALAC, GAC, and GNSO to the participants of the facilitated dialogue that "unless and until there is a	Yes	Yes: Implementation Action: since the Advice makes specific reference to wording to be included in the AGB for the next round; Other: relates to the Facilitated Dialogue between the GNSO, GAC and ALAC seeking to find a potential solution on closed generics, which might then have led to further policy work	The GNSO refers the Board to Topic 23 Subsequent Procedures Final Report, and to the letter from Sebastien Ducos to Tripti Sinha of 21 October 2023 Specifically, from that letter, "The GNSO Council's role is to manage the community process for developing gTLD policies through the bottom-up stakeholder process, not to make policy-related recommendations unilaterally. As such, the Council believes it appropriate to refer back to the Board's March 2022 invitation to the GAC and GNSO Council to initiate a facilitated dialogue, which included a Framing Paper indicating the

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[1] As per the ICANN Bylaws: 'There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

	community-developed consensus policy in place, any applications [for closed generic gTLDs] [...] should not proceed." A clear statement in the Applicant Guidebook will help potential applicants to avoid confusion and possibly the waste of resources. Additionally, the GAC recalled in its Comment on the Draft Framework for Closed Generics (15 July 2023) its concerns on "competition issues, the overall assessment of the value of Closed Generic 10 TLD for the Internet, their potential negative economic and social impacts, and the evaluation panel". The good faith deliberations that took place in the Facilitated Dialogue addressed directly the question of whether Closed Generics could serve a "public interest goal" (as advised in the 2013 Beijing Communiqué) without reaching a solution garnering consensus within the community. The GAC further underlines the importance to promote an open digital space and is of the view that under these circumstances determining and arbitrating whether a proposed closed gTLD would meet a public interest goal would likely create			Board's understanding that '[s]hould the dialogue not result in a mutually agreed framework [to be further developed through an appropriate GNSO policy process], it may be presumed that the Board will need to decide on what the most appropriate action is, within the Bylaws-defined roles and respective remits of the Board, GAC and GNSO.' Accordingly, because the facilitated dialogue did not reach a mutually agreed upon framework, the Council believes the Board should decide how to move forward on this topic."

	significant costs without providing any corresponding benefit.			
Future gTLDs Policies and Procedures (Follow-up Advice)	The GAC recalls its advice to the Board in the ICANN56 GAC Helsinki Communiqué (30 June 2016) that "An objective and independent analysis of costs and benefits should be conducted beforehand, drawing on experience with and outcomes from the recent round." So far the GAC is not certain of the availability of such analysis called for by the GAC. The GAC is looking forward to receiving such analysis at the earliest opportunity and ahead of ICANN79.	Yes, relates to next round?		The request for a cost-benefits analysis was considered by SubPro in its Rationale to Recommendation 1.1. The GNSO Council motion approving the New gTLD Subsequent Procedures Final Report 18 February 2021 requested that implementation proceed waiting for other dependencies to conclude and also requested that the ODP address the question of whether the recommendations were in the best interests of the ICANN community or ICANN.

Specifically:
The Rationale to Recommendation 1.1 in the Final Report states:
"In addition, the Working Group believes that the number of studies commissioned on behalf of the CCT-RT, including economic analyses on marketplace |

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The Motion states:,
"2. Recognizing that nearly a decade has passed since the opening of the 2012 round of new gTLDs, the GNSO Council requests that the ICANN Board consider and direct the implementation of the Outputs adopted by the GNSO Council without waiting for any other proposed or ongoing policy work unspecific to New gTLD Subsequent Procedures to conclude, while acknowledging the importance of such work.

3. Further, the GNSO Council requests that the ICANN Board initiate an Operational Design Phase on the Final Report of the SubPro Working Group and its Outputs as soon as possible, to perform an assessment of GNSO |
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				Council recommendations in order to provide the Board with relevant operational information to facilitate the Board's determination, in accordance with the Bylaws, on the impact of the operational impact of the implementation of the recommendations, including whether the recommendations are in the best interests of the ICANN community or ICANN."