

AT-LARGE ADVISORY COMMITTEE

Proposed Fundamental Bylaws Amendments Related to Grant Program

The Board's proposed Fundamental Bylaws Amendment will insert language into the Reconsideration (Article 4, Section 4.2) and Independent Review Process (Article 4, Section 4.3) sections of the ICANN Bylaws to exclude claims or disputes "relating to decisions to approve or not to approve an application to the ICANN Grant Program" from being allowed under the relevant Accountability Mechanism. This Bylaw supports the full implementation of the Cross-Community Working Group on New gTLD Auction Proceeds' (CCWG-AP) Recommendation 7.

ALAC has written and approved this Public Comment and notes the following:

1. The ALAC was one of the chartering organizations of the CCWG Accountability that created the ICANN Fundamental Bylaws, and the ALAC approved the final recommendations.

2. The ALAC is one of the Decisional Participants in the Empowered Community.

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3. The ALAC was one of the chartering organizations of the CCWG Auction Proceeds and the ALAC approved its final recommendations. The CCWG Auction Proceeds discussed this issue thoroughly during its tenure and it was the express intent of the Working Group that none of its Grant decisions would be subject to the ICANN review process nor the IRP. This amendment now brings this action and recommendation into reality.

Noting each of these three items, the ALAC strongly supports the proposed Fundamental Bylaw amendment, which states that "*Existing ICANN accountability mechanisms such as IRP or other appeal mechanisms cannot be used to challenge a decision from the Independent Project Applications Evaluation Panel to approve or not approve an application.*"

Article 4 ACCOUNTABILITY AND REVIEW and sections 4.2 and 4.3 make it clear that these above mechanisms cannot be used to challenge any decisions relating to whether to reject or approve an application, under the ICANN Grant Program. The ALAC feels that this change will not weaken the Bylaws. The ALAC is comfortable with how the Bylaw amendment is stated in the Public Comment.

The proposed Bylaw amendment makes it clear that where any individual or company believes that an action taken by ICANN is wrong or incorrect, no reconsideration will be granted if the dispute relates to decisions made to approve or not approve an application to the ICANN Grant Program. Additionally, the new Bylaw amendment makes it clear that the Independent Review Process cannot be used to revise any decisions by ICANN, as they relate to decisions to approve or not to approve an application to the ICANN Grant Program.