

**Tabular Summary of comments received at ICANN56 (ordered in accordance with corresponding sections of Draft Cross Community Working Group (CCWG) on new gTLD Auction Proceeds) – updated 23 August 2016**

<b>Section II: Problem Statement, Goals &amp; Objectives, and Scope</b>				
<b>Sub-Section: Scope (Legal and Fiduciary)</b>				
	<b>Public Comment</b>	<b>Source</b>	<b>DT View</b>	<b>Action taken</b>
1.	Prohibition on using auction proceeds for governments - why is that not included? This is a very high level summary, if you review the memo there is a further discussion of other types of organisations. There is not necessary exclusion, but there is some guidance that the CCWG may want to consider as part of its deliberations. Limitation of certain organisations may have undesired effect - what for example about public-private partnerships. This is for CCWG to consider.	Helsinki Public Comment	<p>No prohibition currently included because: 1) that is a CCWG decision (who is eligible to apply), 2) may be difficult to distinguish between where governments are involved, in smaller countries, governments may be active at many different levels so this could create a unintended consequences.</p> <p>SC: My opinion is that governments should be able to apply, in truly multistakeholder approach. Encourage CCWG to consider not excluding anyone but based selection on quality of proposals, addressing real needs and clear capacity (at the minimum). Individuals</p>	No changes needed – is for CCWG to consider.

			should also not be excluded.	
2.	How broadly defined is lobbying? Some NGOs would advocate as part of their activities. Would that be considered lobbying? Some examples have been included in the memo that may provide some further insight.	Helsinki Public Comment	Funds cannot be allocated to lobbying – if this means that an organization cannot have any lobbying activities, consider making this clear in the charter? Leave it up to the CCWG to figure out what could potentially affect ICANN’s tax status and make this clear in the requirements. Rules shouldn’t be US centric, so there may be a need to expand the definition as it currently focuses on a US definition of lobbying. CCWG will need to understand the scope of prohibitions that are made applicable across the board so there is a clear line of what is permissible and what is not permissible with regards to activities. As this has a potential impact on ICANN’s tax status, it is important that this is	Charter specifies that lobbying must be prohibited to the extent that it protects the tax status of ICANN. Such a prohibition should be applied uniformly and not be US centric. That work is done by the CCWG – charter to provide direction at the high level in relation to this topic – check charter and confirm whether further direction is needed in the charter on this topic.
3.	Grants to organisation - how can you ensure that US governments cannot block granting on the basis of linking it to 501(3)C requirement that may not exist in a similar way abroad.	Helsinki Public Comment		
4.	Concern about political and lobbying activities restrictions - restricted to any country or not. May provide challenges to implement. Expect that CCWG would go into further details on this.	Helsinki Public Comment		
5.	Difference in definition and understanding of the term lobbying. Need for precision of what level of lobbying that is allowed to be done.	Helsinki Public Comment		

			<p>carefully considered by the CCWG.</p> <p>SC: Agree with the assessment above.</p> <p>LC: Although I understand the intent, “potential impact on ICANN’s tax status” and “rules shouldn’t be US centric” seem to be directly at odds. Surely ICANN’s tax status is as “US centric” as it gets? If the goal of a “no lobbying” rule is to protect ICANN’s tax status, that seems to be an intrinsically and necessarily US centric goal. In order to justify a more general “no lobbying” rule we would presumably have to find reasons other than protecting ICANN’s tax status.</p>	
6.	How tightly does the charter restrict fund allocation in relation to the mission? May need a conversation about the new ICANN mission statement within the DT to determine what it means for the charter especially with regards to scoping.	Helsinki Public Comment	DT shall and will consider as it moves through the charter. However, this is a philosophical (how broad or narrow do you go) but also	DT will further consideration to this point as it reviews the charter.

			<p>legal question that will need to be addressed in the CCWG.</p> <p>SC: Funds allocation should be align with ICANN’s mission (in line with, consistent with, or any other wording suggested). CCWG to define how wide/narrow.</p> <p>LC: Agree with SC</p>	
7.	<p>Not clear in the charter, when can these funds be used for activities within ICANN itself, for example, funds for a CCWG? Could chartering organisations request funding for CCWG or other activities within ICANN? Is this possible and if so, what would be the process? ICANN should continue these efforts as part of its normal budget.</p>	<p>Helsinki Public Comment</p>	<p>AG: I don’t think anything precludes the funds being used within the organization presuming it is a decision of the community (Rec of the CCWG) or as part of a process defined by the CCWG (both has adopted by the Board)</p> <p>JR: Agree with Alan but expect that this will / may impact on the COI provisions</p> <p>TH: Agree with Alan.</p> <p>EM: Agree with Alan. First, there will be more money</p>	<p>Proposed language "CCWG should be assigned responsibility for determining to what extent and how ICANN itself could be the beneficiary of some of the auction funds"</p>

			<p>coming from the auctions to the fund. Second, should something be said about the possibility that the money can be used for other operations. Good to say but must be very careful language.</p> <p>SC: Might be a need for funding to go to operations. Ask Legal Staff for opinion.</p> <p>SE: Possibility to use some of the funds towards operations, but using all of the funds would risk ICANN's tax exempt status.</p> <p>RM: Get some wording to explicitly address this.</p> <p>AG: Not preclude it and assign to the CCWG the responsibility of deciding if and how funds could be used.</p> <p>SC: Agree with Alan. I don't think this shows a conflict of interest, because the funds should serve the ICANN community, and the chartering organizations are</p>	
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			a key part of that ecosystem. LC: Agree with the “Proposed Language”	
8.	Funding should not be allowed for anything that distorts competition within the ICANN organisation. .	Helsinki Public Comment	AG: This is potentially at odds with the previous one, but I am not sure I understand the expression “competition within the organization”. EM: Support it but need to reframe it. TH: Such as helping registrars in developing regions – distorts the market. SC: I believe the comment was referring to distorting the market –from what I remember after listening to the recording-. Traditional donors have clauses around not providing advantages to companies that will distort the market. For the CCWG to scope.	Wording needs to be clarified. Does this mean not funding projects which fund competition in the market place then this is valid? However, helping markets in developing states may have been a valid project. [ACTION: Staff to try and clarify from Helsinki meeting]
9.	I do not agree with the use of the words “non inconsistent” when referring to ICANN’s mission. Fund allocations must be in line with ICANN’s mission as that is key not only to preserve the tax status, but also to	Sylvia Cadena Comment	AG: I would prefer the DT to give the widest possible interpretation and leave it to the CCWG to narrow (in	Direction should be given to CCWG to be clear about how their proposal furthers ICANN's mission.

<p>support communities that can hardly access other sources of funding (like traditional donors) as they do not understand the nature of the technical challenges those projects or organizations are trying to solve/address. For example, it is very hard for organization maintaining root-servers, IXPs, developing standards (just as an example) to apply for traditional funding. The auction proceeds provide a unique opportunity to support the stability of the Internet not only at the infrastructure level. Projects/organizations applying for funds should be able to articulate how their proposal is actually in line with ICANN’s mission. The previous word in use was “furtherance”, which was already wide enough. By changing it to “non consistent” the text has an even weaker approach to support ICANN’s mission.</p>		<p>accordance with what will be accepted by the Board).  JR: Personally, I can see the concern here i.e. that the use of “not inconsistent with” is the broadest and “consistent with”. It will be helpful to get the whole DT’s current views on this.  LC: If “not inconsistent with” were the only criterion, the concern about growing corn would be valid—but it’s not. It is one of several criteria, and in context simply adds to the other criteria the requirement that whatever else a project might be it should not be actively inconsistent with ICANN’s mission.  EM: From the Board and DT discussion need to have a dialog about the mission statement in the context of the fund.  RM: The DT should not be overly restrictive but can be prescriptive on how the</p>	<p>"CWG is required to deliberate and make recommendations on how the use is aligned to the mission."</p>
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			<p>CCWG should approach this.</p> <p>SE: There has to be a tie-in between ICANN's mission and how the funds are spent. DT doesn't have to make those decisions now.</p> <p>SC: I think that even if the DT says that the funds should be allocated in line/align/furtherance or whatever wording is used, the scope will still be very wide. It is up to applicants to explain how their proposal is align/in line/relate/in furtherance to ICANN's mission. DT should word it clearly and leave the CCWG the work of narrow it down.</p>	
10.	<p>(submitted by email) The use of "not inconsistent" with ICANN's mission is a clear departure from the original intent to do something "good for the Internet" aligned with ICANN's principles ("support directly" was the original terms used). Anything that doesn't hurt the Internet would be OK by this weak requirement, such as growing corn with no water or developing clean energy sources. Although there are good projects, they won't help the Internet or the Web reach their full potential.</p>	<p>Helsinki Email Comment</p>	<p>AG: I agree that growing corn is not a fundable project, but I don't think that was the intent of "not inconsistent". Not sure how to word it better but leave latitude.</p> <p>JR: Personally, I can see the concern here i.e. that the</p>	<p>No comments.</p>



			<p>use of “not inconsistent with” is the broadest and “consistent with”. It will be helpful to get the whole DT’s current views on this.</p> <p>LC: If “not inconsistent with” were the only criterion, the concern about growing corn would be valid—but it’s not. It is one of several criteria, and in context simply adds to the other criteria the requirement that whatever else a project might be it should not be actively inconsistent with ICANN’s mission.</p> <p>SC: same comment from above applies here.</p>	
11.	<p>The Board recommends that the DT add a new guiding principle that the recommendations should be designed in a manner to support ICANN’s nonprofit status and financial and operational stability. This primary guiding principle is implicitly stated through the limitations and considerations identified in the Charter, but an explicit statement of this key tenet is important.</p>	Board comments	<p>AG: to “support” nonprofit status, or not endanger it?</p> <p>JR: Agree with not endanger / compromise.</p> <p>LC: Agree with not endanger / compromise, both for nonprofit status and for financial and operational stability.</p>	<p>DT agrees that term to be used is 'not endanger' rather than 'support'.</p>

			EM: I think the Board would be fine with this approach. SC: Agree with not endanger / compromise.	
12.	(Board comments) The Board confirms that the auction proceeds shall be used consistently with ICANN's mission. It will be important that any proposed uses for the proceeds be tested against ICANN's mission.	Board comments	AG: Does this not limit the funds being used for only things that ICANN itself would/could do if it had access to the money? That is far narrower than some of us envision. LC: Agree with Alan. SC: Include explicit wording. RM: Agree with AG. Extend requirement to the distribution mechanism. Maybe use the term "relationship" rather than "aligned" with the ICANN mission. EM: 1) If the allocation of the funds is not guided by the mission then it is not clear how they will be allocated. 2) Not about the mission statement in the very narrow sense. Need to have the CCWG discuss the interpretation of the mission statement.	The utilisation of funds should be related to ICANN's mission and whatever distribution mechanism is established should also examine the relationship of each distribution to the mission statement.

			<p>AG: Don't agree with EM's first point. Doesn't mean that we would be unconstrained even if we aren't constrained by the mission.</p> <p>SC: My comment above #9 also applies here. Will the new mission be finalized by the time the CCWG gets on with this discussion?</p> <p>LC: Doesn't the "not inconsistent with" or "not in conflict with" wording apply here? Something can be "related to" ICANN's mission by being directly opposed to it...</p>	
13.	<p>The text about diversity was modified, and the mention to the 3 communities that ICANN serves was removed. I do not support that change. It is very important that the diversity focus also applies to the communities ICANN serves.</p>	<p>Sylvia Cadena Comment</p>	<p>AG: Would need to go back and find the context...</p> <p>JR: Agree</p> <p>SC: On the 7 July version of the charter, diversity was stated as a guiding principle. On the 23 July version, working was changed to "deal with diversity". My comment goes to put it back as it was on the 7 July text.</p>	<p>[ACTION: SC to circulate language which had been removed specifically prior to Helsinki meeting] Hope ICANN staff can review and provide the language. It is a minimum change, but has a very considerable impact on how diversity is presented as a guiding principle.</p>

14.	The Board recommends that the language be removed from diversity section that touches upon diversity of the ultimate recipients of the proceeds. This language appears to be out of scope for the Draft Charter, in that it suggests limitations for the design and recipients that should be left to the determination of the CCWG.	Board comments	AG: Agree. JR: Agree LC: Agree. SC: very sorry the board thinks. Would like to review exactly what is proposed to be removed from the charter, as the text was about the procedure not the final allocation.	Agreed with board comment.
15.	The Board recommends to the DT that the Charter should include specific direction to the CCWG to develop or identify a Governance Policy to be used to guide the distribution of the proceeds. The Board also recommends that specific measures of success should be considered for the reporting on the use of the proceeds.	Board comments	AG: Generally agree. Not sure that we want “specific” measures of success as that may preclude innovation. But we definitely need to measure (at least on a spot-check basis” success, and certainly on major projects. That is part of any funding agency agenda. EM: Agree with AG. SC: Agree that a process to allocate the funds will require a governance policy. Worried that the board seems to believe that the CCWG is going to be a sort of selection committee, which the charter clearly says is not. If that was the	Draft Charter should include language which will require the CCWG to develop an appropriate governance framework and mechanisms for measuring success.

			case that will complicate the Statement of Interests at the CCWG.	
<b><i>Section II: Problem Statement, Goals &amp; Objectives, and Scope</i></b>				
<b>Sub-Section: Scope (Conflict of Interest)</b>				
	<b>Public Comment</b>	<b>Source</b>	<b>DT View</b>	<b>Action taken</b>
16.	How to avoid conflict of interest? Is SOI sufficient?	Helsinki Public Comment	JR: It really is vital to get to the bottom of this COI	CCWG will require sufficient transparency

17.	<p>Should there be mandatory disclosures? Members of CCWG should not be related to any prospective applicants of proceeds - would help to avoid any kind of conflict of interest. DT asked to look into this possible requirement. What about indirect benefit for example universal access - does that mean that registrars / registries would not be able to participate. Special disclosure should be enough, not exclude people.</p>	Helsinki Public Comment	<p>issue. In particular do the same provisions apply throughout the process or do they vary from DT to CWG to eventual disbursement entity. Seems to run counter to the way we have done things in the past – not sure we need to go all the way throughout the process. DT should set out an enhanced and mandatory COI for the CCWG, but doesn't preclude participation. LC: Maybe do some research on how other orgs have handled this—it's a problem that must have been "solved" by many others before us. EM: Allow no COI for the person disbursing the funds. Needs to be transparency about potential interests. RM: ICANN is different in that there are people who participate in the community as individuals,</p>	<p>but this is separate from the dispersal phase where there can be no conflicts of interest. Proposed model: Mandatory and enhanced Sol (with particular disclosures on any intended future involvement) which is unique to the CCWG. Next step to define the content of this mandatory Sol [ACTION: (i)DT finalise language and then board members seek input from board group and (ii) DT to determine content of mandatory Sol and criteria for inclusion/exclusion from CCWG]</p>
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			<p>but not always clear if they are expressing views as individuals. Ask for a statement from them whether they are speaking as individuals or for an organization/company.</p> <p>EM: Agree with RM.</p> <p>Finalize the language and allow EM and AH to go back to the Board to check.</p> <p>Precise disclosure statement would be really helpful.</p> <p>SC: Agree, but an interest may not equal an economic benefit. Need to clarify what type of interest. A non-profit organization that has a technical role on Internet development for example, has a interest on how those funds can benefit its work, but does not benefit economically from its work. Different kinds of interest are what makes the Internet move.</p> <p>Agree with getting board recommendations on</p>	
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			<p>wording for mandatory disclosure. State your interest should not be reason for exclusion. Eligibility criteria and selection process will be the tools to exclude.</p> <p>AG: No question that we need strict COI at the disbursement level.</p> <p>AH: 1) Agree to bring language to the Board including what would be in the mandatory disclosure. 2) What is the decision process after the statement of interest? Not suggesting an exclusion.</p> <p>JR: Personally agree. I am in favour of mandatory and standard disclosure by all members and participants in the CWG. This would set a new bar for ICANN WGs.</p>	
18.	<p>If you apply too strict COI, no one will basically participate. Need specific criteria and consensus around those criteria.</p>	<p>Helsinki Public Comment</p>	<p>JR: I have a similar concern  LC: Consult examples of the way in which other orgs have handled this.  SC: Agree, Sol are managed by traditional donors as</p>	



			<p>well in a pretty plain and direct way. No follow-up / exclusion process is done, besides applying a set of eligibility criteria that the CCWG should work on. On the eligibility criteria, a short list of reason why a proposal might not be accepted could be listed. We have worked with a donor that requests to disclose any relationships with tobacco, weapons or drug manufacturers.</p>	
19.	<p>Work was done on funding allocation as a result of auctions on single character letters - concerns: should not use SOI approach, need to develop new and improved requirement for declaration of conflict of interest and expertise.</p>	<p>Helsinki Public Comment</p>	<p>JR: Agree that new and improved approach is (uniquely) desirable or even necessary in this case. SOI may be sufficient. Other mechanisms may be possible SC: Agree with JR here. Necessary in this case.</p>	
20.	<p>COI could happen at different levels - CCWG members/participants, those who will make decisions and those who will use the funds.</p>	<p>Helsinki Public Comment</p>	<p>JR: Agree. This seems sensible. SC: Agree. Not one-size-fit-all approach will work.</p>	
21.	<p>The Board reconfirms that conflict of interest concerns, and appropriate identification and management of</p>	<p>Board comments</p>	<p>JR: This is a key issue that may need a specific,</p>	

<p>conflicts, is paramount at all levels of the DT, CCWG and ultimate proceed distribution process.</p> <p>The Board strongly recommends that the following language be reflected in the Charter in order to adhere to high ethical standards and support arms-length transactions in the distribution of the proceeds: No member of the CCWG may be related in any way to prospective applicants for proceeds, and the administrative mechanism for processing applications must include strong rules and enforcement of conflict of interest. Individuals involved in the CCWG and in the subsequent administrative mechanism must execute a conflict of interest declaration documenting their existing potential involvements and agreement not to be involved in application or direction of the proceeds.</p>		<p>focused discussion to deal with in order to address concerns in both directions i.e. being too strict and being not strict enough  LC: At DT stage we should not be too strict with respect to details—don't want to preclude CCWG discovering and adopting a good model for COI in the experience of some other organisation.  SC: Agree with LC above on not a need to be too strict at DT level, but also agree that it might need a bit more detail and flesh on the charter. Maybe a list of considerations or guiding questions for the CCWG on this, so when they do decide/find the right Sol mechanism they have gone through the DT questions.</p>	
<p><b>Section IV: Membership, Staffing, and Organization</b></p>			
<p><b>Sub-Section: Membership Criteria</b></p>			
<p><b>Public Comment</b></p>	<p><b>Source</b></p>	<p><b>DT View</b></p>	<p><b>Action taken</b></p>

22.	<p>Many outside of ICANN have experience with allocation of funds - CCWG may benefit from that expertise. The charter deals with this issue, incl. possible expert participation.</p>	<p>Helsinki Public Comment</p>	<p>CCWG to be encouraged to seek expert participation wherever possible and appropriate. Charter should encourage SO/ACs to ensure relevant experience contained within the composition of CCWG membership (perhaps seeking non-traditional participants to act as representatives), in addition, suggest to CCWG that at an early stage it should seek to bring in specialist expertise to aid the work of the group.  JR: Agree this will be welcome and should be encouraged.  SC: Agree. Having experience on management of external funds and grants allocation will be an asset for the CCWG.</p>	<p>Review charter and clarify that identification of external experts is preferably done at an early stage of the process.</p>
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23.	CCWG members/participants need good understanding of ICANN eco-system.	Helsinki Public Comment	<p>To be left as currently drafted in the Charter. It is desirable for members to have that knowledge but not a necessary condition.</p> <p>JR: Agree. We may want to make suggestions as to appropriate knowledge and expertise that will be desirable from members / participants in the CCWG</p> <p>LC: We should keep in mind that this may very well run directly counter to COI concerns wrt “insiders.”</p> <p>SC: I don’t agree with LC comment above. Having someone that has knowledge from the ICANN ecosystem and understand the value of every part should not be considered as a conflict of interest. In my opinion the COI should emphasize economic benefit, undue influence, etc (not being egg and bacon at the same time).</p> <p>Worth clarifying that receiving funds that not</p>	None
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			<p>necessarily means you are benefiting economically from that, as it could be most towards project funds with reasonable indirect costs percentages.</p> <p>LC: Knowledge of and familiarity with ICANN are not intrinsic conflicts, but I am still concerned about the perception that fund disbursement decisions will be directed (or unduly influenced) by “insiders” who are able to use their knowledge and familiarity to gain an advantage.</p>	
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24.	Number of seats allocated is too limited - not even 1 per SG/C in the GNSO. Expertise and knowledge are important - think flexibly about the number of members. Are we clear about the self-dealing aspects and the risks?	Helsinki Public Comment	<p>Issues raised in comment and responses: (i) Number of seats, the role of the representative of Chartering organisations is to act as liaisons (and in the event of a consensus call) however, that does not prevent broader participation from within SO/ACs. Additionally, cannot allow group to expand to an unwieldy degree, (ii) expertise, dealt with in Comment 22 (iii) self-dealing, DT has given consideration attention to this issue.</p> <p>JR: To be discussed  SC: On the charter we mentioned 2 to 5 members per chartering organization, plus others. If we insist the CCWG is NOT a selection committee that will allocate funds, there will be no self-dealing aspects.</p>	Review current language but no change anticipated.
25.	The Board recommends that the language relating to specific Board Committee Chairs be removed. The Board will appoint general liaison(s), which may or may not be	Board comments	DT agreed with Board comment to remove specific references to	Update charter accordingly.

	<p>the identified Chairs, and have the prerogative to alternate a liaison where necessary.</p> <p>In determining its participation on the DT, the Board identified the Chairs of the Audit Committee and Finance Committee to serve as liaisons due to the particular issues raised at the drafting stage.</p>		<p>particular board positions and instead have 2 board liaisons to the CCWG.</p> <p>JR: Seems reasonable</p> <p>LC: Agree with JR</p> <p>SC: I think many community members will not be comfortable with having a board member as chair of this particular CCWG. Will certainly be great to have liaisons. It will be important also to define what that role entails.</p>	
26.	<p>Given the Board's role in considering the CCWG recommendations, it agrees with the DT that it does not need to affirm the Charter.</p>	Board comments	<p>DT will seek to gain further clarity to the Board's dealing with the recommendations of the CCWG.</p> <p>JR: Seems reasonable BUT it will be helpful to receive a greater statement of intent / commitment from the board as to its response to the work of the CWG</p> <p>SC: I think I lost that part of the discussion. I think it will be helpful as JR says above.</p>	Awaiting Board input
<b>Section N/A</b>				

<b><i>Sub-Section: N/A (Issues for consideration by the CCWG)</i></b>				
	<b>Public Comment</b>	<b>Source</b>	<b>DT View</b>	<b>Action taken</b>
27.	What is the criteria you are going to use to rank the grant requests? Failure on consumer awareness on new gTLDs, which are the source of these funds. Timing is an issue as the completion of this process which may take years. Not to be debated as part of the DT - will be for the CCWG to consider.	Helsinki Public Comment	This comment is outside the DT scope and will be worked on by the CCWG for eventual action by the mechanism, process or entity which deals with the allocation of funds. SC: Agree that it should be the CCWG to decide the criteria, but it might be useful that say on the charter that they should come up with a set of criteria.	Review draft charter and determine whether additional clarification needs to be added to charter to make that the CCWG is expected to develop these criteria.
28.	Sequence - how are applicants expected to report back? Measurement of results. This is for CCWG to consider.	Helsinki Public Comment	This comment is outside the DT scope, although evaluation and reporting is anticipated to be a critical aspect of final project and should be considered by the CCWG. SC: Agree, for the CCWG to define, but important for the DT to include that they should work out the reporting requirements (clear reporting for accountability purposes –	Review draft charter and determine whether additional clarification needs to be added to charter to make clear that the CCWG is expected to cover evaluation and reporting.



			both financial and technical- has impact on the preservation of ICANN's tax status)	
29.	Missing specificity from goals & objectives.	Helsinki Public Comment	The CCWG will be responsible for setting the high level goals/objectives and shaping those further. SC: The charter might provide the framework for the CCWG to define the objectives. That starts with defining the wording around ICANN's mission too.	None
30.	One time funding not necessarily one-time disbursement	Helsinki Public Comment	The DT understands that this is currently a single revenue source (derived from new gTLD auction proceeds round 1). The DT takes no explicit position on disbursement. SC: I don't agree with that. Unless an organization receives a massively large amount, no one should be precluded from reapply. Let's say a pilot project that was quite innovative and was budgeted conservatively, has great	Review charter and determine whether additional clarification is needed.

			results and needs additional funding in the future to grow or scale. That should not be a limitation. Balance between new applicants and recurrent funding could be something for the CCWG to strive for, but in such a highly technical community it will be quite common to have the same applicant to come back for more.	
31.	CCWG should not be involved at all in anything related to funds disbursement - the CCWG should propose mechanisms and/or structures that would be independent of the CCWG (in other words once established the CCWG should be dissolved so as to avoid any conflict of interest)	Helsinki Email Comment	Consistent with DT's position. SC: Agree 100%.	None
32.	In the discussion, one participant recommended that the CCWG have a finite life, and that distribution decisions not be made in such a way that the distributions be strung out over time. A second speaker suggested that principle should not preclude distribution to recipients/programs that seek long-term goals and funding mechanisms that foster lasting impact for the Internet community. This speaker also noted that these principles need not be mutually exclusive. The Internet Society agrees with both recommendations to the Charter Drafting Committee. It would be a monumental task to marshal the tens of millions of dollars in the New	Helsinki Email Comment	DT does expect the CCWG to have a finite life and the CCWG will not be involved in any distribution decisions. SC: Agree with speaker #2 mentioned on the comment. Long term goals are in fact more desirable use of large amounts of funds, rather than quick solutions. 200M+ can be	None (note CCWG is not expected to be responsible for disbursements of funds so no link between lifetime of CCWG and the timeframe for disbursements. Question concerning what is the expected timeframe for disbursements and termination of the

	gTLD Auction Proceeds over any short-term period. (note this is an abstract)		spent on a single project. There are projects at the EU for example on Internet infrastructure to be implemented in 3 to 5 years that have 150M+ budget. Yes, it is a lot of money, but it is not going to last forever either.	framework is already included in the draft charter.
<b>Section N/A</b>				
<b>Sub-Section: N/A (For possible inclusion in the charter and/or further consideration)</b>				
	<b>Public Comment</b>	<b>Source</b>	<b>DT View</b>	<b>Action taken</b>
33.	A lot of guidelines about what not to do - what do we want to do with this? There is a sequence that will be followed in this process (see slide 4). Where in the sequence is there any establishment of guidelines and expectations?	Helsinki Public Comment	The Charter should clearly articulate the role of the DT, CCWG and post-CCWG mechanisms. SC: Agree. DT should set the constraints and highlight what to take into account. That should be food for thought for the CCWG.	None – consider including the ‘current stage of discussions’ slide from the ICANN56 presentation as part of the reference materials as this may clarify the role of DT, CCWG and post-CCWG mechanism.
34.	Consider providing criteria about the expected results / outcome of funding provided?	Helsinki Public Comment	Out of scope for DT but expect that CCWG would set a requirement that evaluation and performance criteria should be utilised. The CCWG should define high level goals for the funding. The	References to the need for evaluation and performance criteria have been included.

			<p>CCWG will deliberate on and decide the extent to which any expected results are measured against specific criteria for success..</p> <p>[ACTION: THIS ANSWER IS NOT FINALISED - to be finalised offline] N.B. - Any discussion on evaluation needs to make distinction between performance of the fund overall and the performance of any grants.</p> <p>SC: That can be part of the eligibility criteria that the CCWG sets. For example: Proposals that produce X, Y, Z type of outcomes will be considered for selection.</p>	
35.	Diversity - if that is a requirement for disbursement, that may be counter to specific objectives.	Helsinki Public Comment	<p>The DT expects that diversity will have an important base in all aspects of the CCWG's work and recommendations.</p> <p>SC: I do not agree. It is a challenge, but it is important to provide equal opportunity, and have ways of showing how that was done.</p>	None (see also comment 14 – did not find a requirement for diversity in relation to disbursement)

36.	Needs to call out that it is a one-off process in the charter otherwise the CCWG will spin on this. Couple of examples provided in the chat. Evergreen mechanism - should it be required for something else in the future, it should be possible.	Helsinki Public Comment	SC: The CCWG process should be done and completed and closed and then a selection process should start based on what the CCWG decided. If changed overtime a new DT/CCWG might be called. Not advisable to have a WG open indefinitely.	Clarification added by referencing to single revenue source.
37.	Include in the scope the notion of reconsideration - needs to be able to adjust its scope based on new information, for example in relation to legal and fiduciary requirements.	Helsinki Public Comment	SC: If this refers to challenge decisions around funding allocations, I will certainly will object. Decisions about funding allocations that have passed the due process, have been confirmed by the board, etc should not be challenged. I agree there should be a possibility to review/reconsider criteria or objectives of the fund –in general- if the ICANN mission changes again or something else happens, but that should call for a different review process (not from scratch) LC: Agree with Sylvia.	Added question to charter for CCWG to consider whether a mechanism should be in place to address possible adjustments that may be required as a result to changes to legal and fiduciary requirements and/or changes to ICANN/s mission.

38.	Individuals participating in the CCWG should not be able to apply for funding as it would be a direct conflict of interest.	Helsinki Public Comment	<p>SC: Not necessarily. If it is an individual applying for a proposal that will not provide economic benefit for him but will have great impact/benefit for the community that should not be a limitation.</p> <p>LC: Economic is not the only benefit, and I think that the risk of perceived self-dealing is too great to allow CWG participants to also be funding applicants.</p>	None (to be further discussed by the DT should it want to put such limitations in place instead of having the CCWG make this determination)
39.	Build on best practices and consider patterning with other institutions that are doing the same. More efficient and of value if it could be explored to add it to existing pool. Consider adding to the charter.	Helsinki Public Comment	<p>SC: Agree that partnering with other organizations will be of benefit. Other donors will consider that a grant to that pool of funding, just a little bigger, but will need follow-up same as a little one.</p>	Added clarifying note that the framework could also include partnering with other institutions.
40.	What about the new gTLD application funds that are remaining - could that be added? Consider adding those funds to reserve fund and move those over to the auction proceeds mechanism as the reserve funds are built up.	Helsinki Public Comment	<p>SC: Round 1 in full to be added to this process. Future round might play under different rules. Adding a small percentage to the funds to ICANN reserves sounds sensible, maybe at the same level of</p>	Added clarification to charter that it concerns <b>all</b> auction proceeds.

			indirect costs/overhead that is decided so that it leaves as much funding as possible to support projects.	
41.	<p>(submitted by email): The Internet being implemented as a stack of layers of technologies:</p> <ul style="list-style-type: none"> <li>• physical layer (e.g. optic cable, wifi, dsl),</li> <li>• logical/software (ip, dns, http, etc),</li> <li>• application (search, social platform, content),</li> </ul> <p>it would be useful for someone, the drafting team, or the CCWG, to explore the funding priorities along those lines. We think the focus should be on the middleware layers: from managing IP network, DNS, to improving the http/Web layers since these are the closest technologies in support of the Internet as seen by ICANN. Funding physical layers work for instance might very well be used by a competitor network to IP, and funding pure content runs the same risks (of attracting users to another network than IP).</p>	Helsinki Email Comment	SC: I think this comment is aligned with what I have been saying about supporting the 3 communities that ICANN serves. Here they outlined an example about market distortion.	Added comment review tool to list of important documents so that the CCWG can review this input as the assumption is that it is for the CCWG to determine funding priorities.
42.	The drafting team has done a good job at describing what would not be OK to fund from a procedural point of view (such as funding individuals, lobbying groups, inconsistent with ICANN's tax rules, etc), but so far	Helsinki Email Comment	SC: Maybe we can do a bit of scoping for the criteria too, but more as recommendations about	None – for the CCWG to determine.

	has not clearly establish what should be the criteria the CCWG should use to further develop the grant instrument itself.		where to start. CCWG should do that.	
43.	<p>Think that it should be made clear in the charter that:</p> <ul style="list-style-type: none"> <li>• funding will only go to Internet related projects, which are by nature technical, and not to anything marginally related to the Internet (everything is nowadays) and that doesn't hurt the Internet:</li> <li>• it has to do good for the Internet, its shared infrastructure, it's users (as Internet users, not just as regular citizen)</li> <li>• use of funding should be in support of the main goals of ICANN: to improve the stability, security, and global interoperability of the Internet.</li> <li>• it should consider criteria of global benefits vs. local benefits (e.g. is this funding going to help all Internet users or just a limited population?)</li> <li>• it should consider criteria of long terms benefits vs. short terms results (hence the importance of funding infrastructure oriented things)</li> <li>• it should consider criteria of scaling effects: will a relatively small funding (e.g. 1M USD over the 100 available) have rippling benefits saving Internet users and the community much more than that in the end?</li> <li>• it should consider additional criteria such as difficulty to be funded by usual granters (such as gov, large foundations).</li> </ul>	Helsinki Email Comment	<p>SC: Great list of possible criteria for the CCWG to work with. Maybe we can do some wording that is more generic, but touches on some if not all these criteria. The last criteria listed is really important, as it is very difficult to get funding for technical development as most donors do not understand the proposals submitted. ICANN will be in a unique position to make sure those proposals get funded.</p> <p>LC: Very strongly agree with Sylvia's last sentence here!</p>	Added comment review tool to list of important documents so that the CCWG can review this input as the assumption is that it is for the CCWG to determine funding criteria details.