

# 2019-05-08 CCWG new gTLD Auction Proceeds Meeting

Please find the meeting information below for the CCWG New gTLD Auction Proceeds call on **Wednesday, 08 May 2019 at 14:00 UTC for 120 minutes.**

07:00 PDT, 10:00 EDT, 16:00 Paris CEST, 19:00 Karachi PKT, 23:00 Tokyo JST, (Thursday) 00:00 Melbourne AEST

For other times: <https://tinyurl.com/y6p9zj3y>

## PROPOSED AGENDA

### Proposed agenda

1. Roll Call
2. Welcome – DOI / SOI Updates
3. Update on status of outstanding action items:

Reminder: CCWG to regularly review overview of CCWG agreements to date and latest versions of templates (see <https://community.icann.org/x/zYMWBg>)

- a. Follow-up action items by leadership team
  - b. FAQs
  - c. Comment #4 (charter question #2) - Marilyn, Elliot, Jonathan, Alan and Maureen to develop draft language for inclusion
4. Continue review of comments: see templates published on <https://community.icann.org/display/CWGONGAP/Initial+Report+Public+Comment+Review>
  - a. Charter question #11 input
  - b. Sections 1-4 input
  - c. Annex C input
  - d. Annex D input
  - e. General comments
  - f. Proposals for funding allocation input
5. Confirm next steps and next meeting: Wednesday 22 May at 14.00 UTC.

### BACKGROUND DOCUMENTS

## RECORDINGS

[Mp3](#)

[Zoom Recording](#)

GNSO transcripts are located on the [GNSO Calendar](#)

## PARTICIPATION

[Attendance & Chat](#)

Apologies: Maarten Botterman, Robert Guerra

## Notes/ Action Items

### NOTES / ACTION ITEMS

These high-level notes are designed to help the CCWG navigate through the content of the call and are not meant as a substitute for the transcript and/or recording. The MP3, transcript, and chat are provided separately and are posted on the wiki at: <https://community.icann.org/x/DLHDAw>.

#### 1. Roll Call

Attendance will be taken from AC

Please remember to mute your microphones when not speaking and state your name before speaking for transcription purposes.

## 1. Welcome – DOI / SOI Updates

No updates received

## 1. Update on the status of outstanding action items

Reminder: CCWG to regularly review overview of CCWG agreements to date and latest versions of templates (see <https://community.icann.org/x/zYMWBg>)

### 1. Follow-up action items by leadership team

1. There was discussion in the leadership team last week regarding outstanding items, the status will be reviewed on this call.
2. Action items and agreements are captured here: <https://community.icann.org/download/attachments/102138829/new%20gTLD%20AP%20CCWG%20Agreements%20-%20updated%2022%20April%202019.docx?version=1&modificationDate=1555965919000&api=v2>
3. CCWG members should review that document and provide input. The document continues to be updated. Staff will take on some of these action items to update the report.
4. Allows the community to see what action the group has taken in response to public comments.

### 1. FAQs

<https://community.icann.org/display/CWGONGAP/FAQs>

One document with input from the Board, and one with input from ICANN org on fiduciary requirements.

### ***Action item #1:***

CCWG to review the information provided, and identify follow-up clarifying questions, if any.

Background: CCWG had some questions with a legal nature, and questions related to the Board's role, fiduciary and legal obligations. Both ICANN org and Board provided answers at regular intervals. It is very helpful for CCWG members to review these 2 documents, with all input received to date.

### 1. Comment #4 (charter question #2) - Marilyn, Elliot, Jonathan, Alan and Maureen to develop draft language for inclusion

Comments related to what belongs in ICANN's operational budget, and what was funded on a more exceptional basis, but might still qualify for auction proceeds allocation. Discussion by CCWG on this topic. To be included in the final version of the report.

Proposed language for inclusion by the small team (recent addition from mailing list):

Maureen, as a member of the small drafting team, agrees with the addition by Vanda. Those involved in developing this language are: Marilyn, Elliot, Jonathan, Alan and Maureen.

Marilyn: "and constraints otherwise imposed". CCWG might understand the implications, but a clarifying footnote might be helpful. E.g. legal requirements.

### *"Proposed guidance to evaluators:*

Evaluators may need to differentiate between what it is in the regular ICANN operational budget and what has been funded on a more exceptional basis, but this will be a determination that needs to be made by the evaluators in line with the legal and fiduciary requirements. Consistency with the ICANN mission is a necessary but not sufficient condition for funding. Evaluators should specifically consider the scope and impact of the proposed project in light of the constraints otherwise imposed.

*Proposed preamble to annex with examples:*

Consistency with the ICANN mission is a necessary but not sufficient condition for funding. Evaluators should specifically consider the scope and impact of the proposed project in light of the overall purpose of the auction proceeds and constraints otherwise imposed. (e.g. legal and fiduciary requirements) Examples provided are specifically intended to be illustrative, not definitive. Openness to innovation and the future of the Internet may be part of the evaluation considerations. "

Sam: administrative checks? Group that will be evaluating the applications. Is there flexibility in the language? Part of the process as a whole? Is this something the drafters wanted to reserve to the independent group?

Jonathan: offering to edit, based on Marilyn's input. Sam's input added another dimension to this. Can we have a another drafting group session, with Sam attending as well?

Xavier: ICANN org will need to provide feedback at some point. Factually: is there already something done in the ICANN operating plan, related to that same activity? Regardless of what the evaluators are doing. Factual feedback by ICANN org, not an opinion, for the evaluators to take into account.

Judith: to clarify. When they ask ICANN org whether a project is funded or not, have an approach based on broader categories. E.g. Is outreach funded?

**Action item #2:**

Comment #4 (charter question #2). Small group that worked on the original proposal- together with Sam/Xavier - to review the proposed language, based on today's discussions, and to send the revised version to the CCWG mailing list.

**1. Continue review of comments:**

see templates published on <https://community.icann.org/display/CWGONGAP/Initial+Report+Public+Comment+Review>  
Different agreements and action items are listed at the bottom of this page.

There are some areas the CCWG needs to provide input, when we come to the next version of the report. CCWG is asked to review the document and provide input.

**1. Charter question #11 input**

- Q11 | #3

Discussion:

Topic was raised frequently. Community involvement in the evaluation: how can this be ensured in the future? Chair believes community involvement is important in the evaluation process. How shall this be done? Leadership team is working on proposed language with Allan. Aim is to share a proposal with the CCWG by the next meeting.

Note action item coming out of review of other comments that will focus on the development of a proposal(s) concerning the role of the community. This work may also address this comment. May need to have a general comment about the importance of the involvement of community, but the review framework could change depending on the mechanism chosen. As such, this may need to be further detailed in the implementation phase? Await outcome of small team work on proposal concerning role of community.

CCWG Agreement:

Clarify in the implementation guidance that depending on the mechanism chosen, the review framework might be different but there is a need to ensure that whatever mechanism is chosen, there are strong procedures in place for monitoring and evaluation.

- Q11 | #7

Discussion:

A review may identify certain issues that need to be addressed. May need to distinguish between an assessment after the first round of submissions (e.g. did applications received meet the criteria – if not, mild adjustment to communication might be needed) and after 3-4 years (have projects funded contributed to ICANN's mission and achieved what was set out at the start) which could result in more substantial adjustments. Latter would require a proper review process – costs of which should be borne by the mechanism. Also need to factor in community involvement in review process. Ensure that both incremental changes as well as substantial changes are addressed. Consider looking into best practices used in other environments and see if these could be adapted for our purposes? Also aligned with previous action item re. role of community. Make sure to scope work for CCWG and for implementation phase.

CCWG agreement:

Action item #3: Leadership team to propose hierarchy for how to discuss and approach the different related items (e.g. evaluation process, role of the community, review, role of the evaluators, correction mechanism).

#### 1. Sections 1-4 input

Covered the executive summary, description next steps, methodology used, what led to the original recommendations.

- Section 1-4 | comment #2

Discussion:

Second comment period needed, if there are substantial changes.

Charter: required comments are those on the initial report. However, if there are substantial changes to the recommendations, community should be able to provide input. Various approaches: only highlight the fundamental changes, or send out a completely new version of the report? May not be possible to make that determination, but CCWG will see more clearly when the draft final report is out, whether there are indeed substantial changes. CCWG should start thinking about this. This will however add additional time to the overall timeline. Could consider asking input on those questions that have changed. Chair suggests CCWG members to verify with their respective communities, what their preferred approach is: is a second public comment period desirable? Board provided input on this as well. What would the chartering organisations recommend in terms of minimum duration?

Standard public comment period is 40 days.

#### ***Action item #4:***

Staff to verify what the requirements are for a potential next public comment period

CCWG to check with their respective groups whether a second public comment period is desirable, and what the minimum duration should be

- Section 1-4 | comment #4

Discussion:

Consider building this into the hierarchy for the evaluation process. Application review process should be built into that. Appeals process for project applicants should go to the relevant mechanism. Need to avoid tying ICANN up in an endless loop of appeals. How does this interplay with the bylaws? We might need to incorporate statement that individual appeals cannot be directed to ICANN Board, but still ensure that responsibility of ICANN Board is maintained for overall oversight. Are we created a typical ICANN, convoluted, process? We should make this simple. Are there other environments where appeals can be launched this way? Does the appeals mechanism apply to mechanism 1,2,3?

CCWG Agreement :

Once hierarchy list has been developed, CCWG to come back to this comment and determine how this is to be addressed. At that point, CCWG to consider whether or not there should be an appeals process for individual project applicants. (many expressed support for not having an appeals process) If there is a recommendation for an appeals process, guidance would need to be provided for the implementation phase. Also need to address the Board comment regarding applicability or not of ICANN redress mechanisms.

#### ***Action item #5:***

CCWG to check with legal whether there are requirements in place, that would prevent having an appeals mechanism. (maybe dependent on the mechanism chosen) initial response: there is no legal requirement to have an appeals process, but there might be an accountability need to have one.

## 1. Annex C input

Covered guidance for proposal review, and selection. Additional language was proposed that needs to be added here.

- Annex C | comment #1

Discussion:

Discussed when we decided to provide examples. Concern that evaluators might be too restrictive in providing support for projects that fall within the mission, but have a broader nature. List of examples were provided as guidance for evaluators, to be able to judge projects, whether they are within ICANN's mission or not. Concern noted that it could create the impression that copy/pasting example would automatically pass. Concern by the Board that there might be inconsistencies with the examples. May need to add further clarifying language? Could this create legal risk, to include this list? Should it be excluded? Is there a different way in providing sufficient guidance for evaluators? Is the Board overly cautious? Examples to be turned into background briefing, add additional caveating language (illustrative, not a commitment to award any particular application, etc)

### ***Action item #6:***

Leadership team to send a question to the Board liaisons based on today's discussion and the comment regarding asking for clarification on the input.

## 1. Annex D input

### 1. General comments

### 1. Proposals for funding allocation input

### 1. **Confirm next steps and next meeting:**

Wednesday 22 May at 14.00 UTC.

Marrakech: draft. extensive block, 3h, on Wednesday morning. Subject to changes.

### ***Action item #7:***

Staff to send out poll regarding CCWG attendance at ICANN65, once the slot for the face-to-face meeting is confirmed. To ensure sufficient participation to proceed.