

# 2019-06-05 CCWG new gTLD Auction Proceeds Meeting

Please find the meeting information below for the CCWG New gTLD Auction Proceeds call on **Wednesday, 05 June 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/yxq9sdef>



## 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. Board input in relation to annex C (see attachment)

b. Follow-up action items by leadership team

(i) Charter Question #1, item #1

(ii) Charter Question #7, item #21

(iii) Charter Question #11, item #33

(iv) Annex C, item #36

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. Annex C input

b. Annex D input

c. General comments

d. Proposals for funding allocation input

5. Confirm next steps and next meeting

## BACKGROUND DOCUMENTS



## RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

[Chat Transcript](#)

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



## PARTICIPATION

[Attendance](#)

**Apologies:** John Levine, Elliot Noss, Julf Helsingius, Judith Hellerstein, Sylvia Cadena, Robert Guerra



## 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/display/CWGONGAP/2019+Meetings>.

## **ACTION ITEMS**

### **Board input to annex C**

#### ***CCWG agreement / action item #1:***

- CCWG to continue the discussion
- CCWG to review the guidelines, once the review of the comments is finalized, to determine their legal nature. The guidelines cannot be removed completely, but their legal nature should be clear. Leadership team to possibly ask for advice from ICANN legal

### **Comment #4 (charter question #2)**

#### ***CCWG agreement / action item #2:***

- Include a holistic description of what we want to achieve. Not just talk about the technical aspects.
- Leadership team to verify whether we included all the references to the bylaws in the original recommendation, and in the text that went out for public comment

### **Annex C | Comment #2**

#### ***CCWG agreement / action item #3:***

Marilyn, Elliot, Jonathan, Alan and Maureen (small group) to address this, while they develop draft language for inclusion.

### **Annex D | Comment #1**

#### ***CCWG Agreement / Action item #4:***

Leadership team to send written question to ICANN legal / Board.

Goal : ICANN legal to clarify which risks are related to providing the list of examples, and how to mitigate any potential risks.

### **Annex D | Comment #1**

#### ***CCWG Agreement / Action item #5:***

Leadership team to send written question to ICANN legal / Board.

Goal: ICANN legal to clarify whether bucketing would be appropriate and whether it can be supported

### ***General comments | Comment #1***

#### ***CCWG agreement / Action item #6:***

To be addressed by the CCWG in a later phase.

### **Proposals for funding allocation input | comment #9**

#### ***CCWG agreement / action item #7:***

Leadership team to verify if language is sufficiently fair, neutral and objective. E.g. recognising gender equality.

#### ***Action item #8:***

Staff to share a doodle poll, to verify whether enough people are able to attend, both the meeting on 19 June and the meeting on 26 June.

## NOTES

### 1. Roll Call

No roll call. Attendance will be taken from the zoom room.

No names on audio only.

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

Apologies from Marika.

### 2. Welcome – DOI / SOI Updates

Please remember to check your SOI/DOIs on a regular basis and update as needed

### 3. 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>)

#### *a. Board input in relation to annex C of the initial report*

The group discussed concern by the Board, noting that there are inconsistencies in the examples. Discussed by group on the last call: add additional clarifying language. Are there legal risks involved? Potentially to be excluded? Discuss issues raised during the last call, and provide input from Maarten and Becky.

Clarifications by Becky :

went through the notes from the last meeting, discussed it with Maarten. The bylaws prohibit ICANN from acting outside of its mission. It specifies the role of ICANN. Any use of the AP should remain within this specified mission, in addition the AP should not be used for ongoing operations: should go through the budget discipline.

First thing that needs to happen (mandatory): is the proposed project within ICANN's mission? The CCWG will make proposals that an initial review panel will do an initial check. However, this is fiduciary role of the board. To be evaluated through the criteria, developed by the CCWG, then approved by the Board.

Mandatory gating considerations for the evaluation

Other concerns by the Board: not entirely sure how the objectives and recommendations in annex are to be applied by the evaluators? Are they all mandatory? The objectives in recommendation 2? How mandatory vs aspirational are the guidelines? In particular, the guideline 3 and 4, seems to articulate goals and priorities, rather than mandatory instructions.

Erika:

Group members are asking, if a project is put forward that does not meet the areas that should be covered 100%, shall it be rejected from the very beginning, or shall it be taken into consideration nonetheless? 80% covering the mission, but 20% out of scope. Shall evaluators still look at it, or do we want them to neglect it?

We need more clarity on the legal nature of the guideline. We need to be clear whether they are mandatory or not.

Maarten: not all projects can fully cover the mission, however it needs to contribute to the mission. It needs to be relevant, and we need to be able to justify it from the mission.

Becky : The Bylaws prohibit ICANN from acting outside its Mission, so that is non-negotiable. The Bylaws also use the phrase "in service of its Mission" - would suggest using that language.

Of course, as Maarten said, a project need not serve ALL of the parts of ICANN's Mission, but it must serve or further some aspect of the Mission.

### Board input to annex C

**CCWG agreement / action item #1:**

- CCWG to continue the discussion
- CCWG to review the guidelines, once the review of the comments is finalized, to determine their legal nature. The guidelines cannot be removed completely, but their legal nature should be clear. Leadership team to possibly ask for advice from ICANN legal

*b. Follow-up action items by leadership team*

(i) Charter Question #1, item #1

Cost benefit analysis. Leadership team is scheduling a meeting with Xavier. Underway, still in the works.

Independent of the model selected, factors change to a minimal degree. Other factors change drastically. Call with Xavier to identify similarities and discrepancies.

If the group has any relevant examples, they are invited to share them.

(ii) Charter Question #7, item #21

Leadership team was going to work with Alan Greenberg (as only volunteer), regarding the role of community advisory committee. E-mail conversation kicked off, the entire group will be able to provide input as well, once initial thoughts were put on paper.

(iii) Charter Question #11, item #33

Erika: reminder. This topic came up at the very beginning of the review of the public comments. Recommendations related to evaluation, advisory role of the community. Evaluation, throughout all of the comments we received, and build a hierarchy. One coherent overview, which we will bring back to you for further evaluation.

(iv) Annex C, item #36

See question to Board liaisons: Agenda item 3.a.

*c. Comment #4 (charter question #2)*

Marilyn, Elliot, Jonathan, Alan and Maureen to develop draft language for inclusion.

Guidance on what is in the icann budget, and what has been funded on a more exceptional basis.

Maureen: consistency with icann mission is necessary. Broader scope: how to find that balance? Email discussions ongoing, having a meeting later this week.

Becky: ICANN's mission is clear and enumerated. It is complex, and not limited to strictly technical issues limited to security, as defined in the OED. 2 annexes to the bylaws are relevant too. Consider ICANN's mission more holistically, in the full light, not in the narrow dictionary, technical sense of security and stability. Would a discussion around what ICANN's mission encompasses be relevant?

**Comment #4 (charter question #2)**

**CCWG agreement / action item #2:**

- Include a holistic description of what we want to achieve. Not just talk about the technical aspects.
- Leadership team to verify whether we included all the references to the bylaws in the original recommendation, and in the text that went out for public comment

**4. Continue review of comments: see templates published on**<https://community.icann.org/display/CWGONGAP/Initial+Report+Public+Comment+Review>

*a. Annex C input*

Comment #2:

Board previously provided input that Annex C had the potential to be interpreted to use the AP funds for ongoing operations. Was discussed earlier during this call.

Linked to the small group work that is currently ongoing.

**Annex C | Comment #2**

**CCWG agreement / action item #3:**

Marilyn, Elliot, Jonathan, Alan and Maureen (small group) to address this, while they develop draft language for inclusion.

*b. Annex D input*

Comment #1:

Basket approach.

Erika: likes the list of examples. To provide guidance to future evaluators, to verify whether a project is within the mission or not. Guidance, as a test bed. Once you have such a list, there are risks involved.

List of examples: does the CCWG want to pursue this in light of board feedback?

If annex D remains in its current form, are edits to be made? Would a global awareness campaign still be included?

**Annex D | Comment #1**

**CCWG Agreement / Action item #4:**

Leadership team to send written question to ICANN legal / Board.

Goal : ICANN legal to clarify which risks are related to providing the list of examples, and how to mitigate any potential risks.

Maarten: even if a project is within the mission, but at the same time there is operational budget available, then it would have to be taken out. Operational budget is subject to community input: not exclusively the Board's decision.

Xavier: The ICANN budget continues to increase, though at an inflation rate. In other words, every year ICANN's budget has never been higher in previous years.

Marilyn: statement that budget is discussed with the community, and not solely determined by the Board is not entirely true: the community can indeed comment on the budget, but cannot determine the budget.

Erika: Let future evaluator decide what is in the funding environment for the basket approach. Eg. 20 million for educational purposes, 10 million for infrastructure purposes. Evaluators can evaluate whether a project shall be funded or not, since it is interesting, as there is no regular funding available.

Send question to Sam and Board liaisons.

Emily:

proposal to either CCWG to propose a basket approach in place of annex D?

Or

ask ICANN Board and Org to propose an alternative to annex D?

Erika: Basket approach postpones the problem.

Option 1 : Let future evaluator decide what is in the funding environment for the basket approach. Would give a clear indication of the amount available for certain projects.

Option 2: We might want to go back to Board and Sam with the discussion we just had. Advantage: Board would have time to reflect again on their current reply, what would be an ideal scenario for the management, and would give the CCWG time to reflect on what we want.

Sam: Is the question on whether bucketing could be appropriate?

Erika: yes, and whether you can imagine to support it.

#### **Annex D | Comment #1**

##### ***CCWG Agreement / Action item #5:***

Leadership team to send written question to ICANN legal / Board.

Goal: ICANN legal to clarify whether bucketing would be appropriate and whether it can be supported

Sam: is there more work that needs to happen in the CCWG, before this is sent to the Board and ICANN Org? Sam would prefer to have question in written. Work on answers to both items

Question from J Frost: Shall a global awareness campaign be financed?

Address this item at the very end of the discussion. Either we recommend not to do it, to support it, or to put it in the list of examples

Annex D:

1. List of examples: does the CCWG want to pursue in light of board feedback?
2. If annex D remains in its current form, are edits to be made? Would a global awareness campaign still be included?

Comment #2:

Relates to the previous discussion. This is being addressed elsewhere.

Comment #3:

Relates to the previous discussion. This is being addressed elsewhere.

Carolina:

I think we may need to remove Annex D. I feel that the request to include the Global Awareness Campaign is showing that it is generating the idea that projects listed there are likely to be funded. In addition, if there are legal risks associated, I would say we remove it. Also, my sense was that this was an early exercise that allowed us to get our thinking straight when this CCWG started. While it was useful at the time, again, I think we may need to remove it.

Erika: we cannot remove it. But we should find a way in pulling it out of the process. Potentially to be discussed with Sam, since this is a legal issue.

Vanda: agrees with Carolina. risk for future question from already existing projects running in any part of the world, and will complain disclosure without authorization. Annex may be sent to evaluators but not be public.

Maureen:

The Global Awareness Campaign is raised similar to whether UA is also relevant as a funded project. I think that we spent so much time on suggestions for prospects that could possibly be funded, but not specifying them as projects that should be funded. There are other factors that would be taken into consideration for all projects proposed

Ching:

1. We are talking about the auction proceeds generated from the new gTLD programme. Would be awkward if the CCWG would decide it could not be used for a global awareness campaign to promote the new gTLDs.
2. Links back to operational budget. Global awareness campaign: ICANN paid for the promotion, and initiated such a campaign for the 2011 round. This is in the operational budget. Seems natural for ICANN to use operational budget for this initiative.

Erika:

Negative recommendation: should NOT fund? We should not use words that exclude something in principle.

Carolina: I think it is not our position to make a judgement about whether the campaign should be funded, which is why I feel this Annex is generating the wrong incentives...

Maureen:

Building awareness of all aspects of ICANN's mission is a major role within At-Large with considerably decreasing funding from ICANN as Marilyn has mentioned for other constituencies as well..

### **c. General comments**

Comment #1:

This comment connects well with potential dangers in supporting a worldwide marketing campaign.

#### ***General comments / Comment #1***

#### ***CCWG agreement / Action item #6:***

To be addressed by the CCWG in a later phase.

### **d. Proposals for funding allocation input**

Proposed a global awareness campaign. Discussed previously. No need to discuss this item here.

Carolina:

Before we move on, a quick note on the idea of having thematic baskets. I think this is a very important issue to discuss because this will have big implications. I think we should analyze the pros and cons of this approach vs prioritizing projects based on their quality regardless of their area of focus... I wonder if this is something the leadership can tackle?

Comment #6:

Jothan provided background and connection to broader issues.

Comment #9:

This is about the internet, rather than about ICANN's mission. We need to provide an answer to it.

#### **Proposals for funding allocation input | comment #9**

##### ***CCWG agreement / action item #7:***

Leadership team to verify if language is sufficiently fair, neutral and objective. E.g. recognising gender equality.

Nadira:

@Carolina, I see this awareness suggestion, from my perspective as another example of the project proposals.

Carolina:

@Nadira, do you remember if we have other examples of awareness projects on the annex? If we do not have any examples, it would make sense to add something along those lines. worried that are sending the wrong message with this annex (or even editing), this sense that to get funded you need to be on this examples list...

Thato Mfikwe:

I think bridging the digital divide is a serious challenge within certain regions like Africa, affecting the growth and uptake of the Domain names so I agree with comment number 9.

Maureen:

The final sentence that is currently on our statement is "Examples provided are specifically intended to be illustrative, not definitive"

Erika: main concern is how do we deal with the withdrawal of the list of examples?

#### **5. Confirm next steps and next meeting**

Next meeting is scheduled for Wed, 19 June 2019 (14 UTC).

The CCWG will meet on Wed, 26 June 2019 from 08:30 – 12:00 local time at ICANN65 in Marrakech.

##### ***Action item #8:***

Staff to share a doodle poll, to verify whether enough people are able to attend, both the meeting on 19 June and the meeting on 26 June.