

Summary of CCWG Auction Proceeds Survey – Charter Questions Initial Assessment

For full results, please see <https://www.surveymonkey.com/results/SM-ZXCS2DJG/>

#	Charter Question	Gating Question	Sub-Questions	External Expertise Needed
1	What framework (structure, process and/or partnership) should be designed and implemented to allow for the disbursement of new gTLD Auction Proceeds, taking into account the legal and fiduciary constraints outlined above as well as the existing memo on legal and fiduciary principles ¹ ? As many details as possible should be provided, including any implementation guidance the CCWG may have in relation to the establishment of this framework as well as criteria for the selection / ranking of potential funding requests.	74% YES 22% NO 4% NO OPINION	33% YES 48% NO 19% NO OPINION Sub-Questions: - Is the framework inclusive - for participation by all? Does the framework develop the capability of the applicants and of ICANN to improve social and economic benefits for the vulnerable and marginalized? - Should be a mention to the methods of fund delivery, i.e will the funds be delivered through loans, direct awards, grants, a mix of one or more method, etc - Question needs to be broken down into "required areas" of the charter and with an absolute given criteria as an example in each for guidance.	38% YES 43% NO 19% NO OPINION Expertise Needed: - It would be good to have ICANN’s legal team present at the meeting in case they see any major red flags in terms of fiduciary/legal constraints. Later on, when we analyze each option in greater depth, external expertise can be brought on board as needed particularly professionals with experiencing managing large foundations and trusts. - One should listen to experts from these environments [fund

¹ See also [Note to Auction Proceeds DT re. legal and fiduciary principles](#)

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				<p>structures] to understand and then to decide upon the best model for ICANN</p> <ul style="list-style-type: none"> - External expertise may be needed in relation with rules and regulations that apply to non for profit organizations.
3	What safeguards are to be put in place to ensure that the creation of the framework, as well as its execution and operation, respect the legal and fiduciary constraints that have been outlined in this memo ² ?	<p>55% YES 40% NO 5% NO OPINION</p>	<p>0% YES 72% NO 28% NO OPINION</p>	<p>30% YES 50% NO 20% NO OPINION</p> <p>Expertise needed:</p> <ul style="list-style-type: none"> - Professional organizations with global reach e.g. IEEE, Institute of Financial Accountants (IFA), ABA - the American Bar Association, IBO - the Internet Bar Organization and others we might consider inviting to review our progress periodically - It would be good to bring on board

² See [Note to Auction Proceeds DT re. legal and fiduciary principles](#)

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				<p>people with experience in allocating funding as well as legal counsel with experience in drafting grant agreements to assist the group and highlight issues that should be considered and addressed when establishing safeguards.</p> <ul style="list-style-type: none"> - 501c3 ICANN Mission authority - External input to understand regulations related with non for profit organizations
5	What conflict of interest provisions and procedures need to be put in place as part of this framework for fund allocations?	<p>35% YES 65% NO 5% NO OPINION</p>	<p>10% YES 65% NO 25% NO OPINION</p> <p>Sub-Questions: What constitutes "conflict of interest" must be clarified in a definitions</p>	<p>10% YES 65% NO 25% NO OPINION</p> <p>Expertise needed: May require borrowing from existing practices in other organizations</p>
7	Should ICANN oversee the solicitation and evaluation of proposals, or delegate to or coordinate with another entity, including,	<p>45% YES 50% NO 5% NO OPINION</p>	<p>0% YES 72% NO 28% NO OPINION</p>	<p>20% YES 60% NO 20% NO OPINION</p>

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	for example, a foundation created for this purpose?			Expertise needed: It would be very useful to have ICANN staff actively participate in discussing this question to help us understand what it would entail if ICANN were to take on the solicitation and evaluation of proposals in terms of resources, time, operational structure, and so forth.
8	What aspects should be considered to determine an appropriate level of overhead that supports the principles outlined in this charter?	30% YES 60% NO 10% NO OPINION	0% YES 30% NO 70% NO OPINION	20% YES 60% NO 20% NO OPINION Expertise needed: <ul style="list-style-type: none"> - We will want to bring some outside experts with experience working for large foundations/trusts to weigh on an appropriate overhead - Talk to fund managers experts that run funds and fund-foundations
11	Should a review mechanism be put in place to address possible adjustments to the framework following the completion of the	35% YES 60% NO 5% NO OPINION	10% YES 65% NO 25% NO OPINION	10% YES 65% NO 25% NO OPINION

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	CCWGs work and implementation of the framework should changes occur that affect the original recommendations (for example, changes to legal and fiduciary requirements and/or changes to ICANN's mission)?		Sub questions: <ul style="list-style-type: none"> - Clarification about the auditors (same firm as ICANN has or another one), clarification who's handling this inside staff (separation from main audit/finance staff team) - Need to include some sample review criteria examples. 	Expertise needed: <ul style="list-style-type: none"> - Legal advisors
2	As part of this framework, what will be the limitations of fund allocation, factoring in that the funds need to be used in line with ICANN's mission while at the same time recognising the diversity of communities that ICANN serves? This should include recommendations on how to assess whether the proposed use is aligned with ICANN's Mission. Furthermore consideration is expected to be given to what safeguards, if any, need to be in place.	68% YES 21% NO 11% NO OPINION	11% YES 61% NO 28% NO OPINION	22% YES 56% NO 22% NO OPINION Expertise needed: Depending on the mechanisms we consider we may want to bring on board specialists say on setting up/managing foundations and or trusts to help the group understand the implications of alternative.

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4	What aspects should be considered to define a timeframe, if any, for the funds allocation mechanism to operate as well as the disbursements of funds? E.g. The timeframe for the operation of this new mechanism may provide the opportunity for long term support, or for funding to be released in tranches linked to milestone achievements, single or multiple disbursements.	67% YES 33% NO 0% NO OPINION	6% YES 65% NO 29% NO OPINION Sub-questions: How do we want to define flexibility parameters - (eg a small group to review and approve, or a range for allowable missed targets not to be publicly communicated) in meeting criteria for future disbursements if milestones are not met	6% YES 76% NO 18% NO OPINION Expertise needed: It would be useful to bring on board outside experts on Foundations and Trusts with experience on very large funds to give us a sense about what timing might look like.
6	Should any priority or preference be given to organizations from developing economies, projects implemented in such regions and/or under represented groups?	44% YES 44% NO 11% NO OPINION	22% YES 50% NO 28% NO OPINION Sub-questions: - It is important to address as well the kind of projects and the nature of the organizations that are going to be given priority from developing/underrepresented countries, and not leave it as an open general rule - A clearer definition of "developing economies" and "under represented" should be done	0% YES 78% NO 22% NO OPINION

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9	<p>What is the governance framework that should be followed to guide distribution of the proceeds? The issues addressed by a governance framework could include (but does not have to be limited to):</p> <ol style="list-style-type: none"> What are the specific measures of success that should be reported upon? What are the criteria and mechanisms for measuring success and performance? What level of evaluation and reporting should be implemented to keep the community informed about how the funds are ultimately used? 	<p>29% YES 71% NO 0% NO OPINION</p>	<p>5% YES 67% NO 28% NO OPINION</p> <p>Sub-questions: How long will we track each project funded? Is it our intention to track to determine if our desired outcomes are achieved - even if this might take 5-10-15 years? If we do not do longitudinal lifecycle tracking - how will we know if our decisions are enabling the outcomes we seek to achieve for the target groups or communities? How will we learn from what we are investing in? How will the people in the community intended to benefit, learn from the intervention proposed?</p>	<p>11% YES 67% NO 22% YES</p> <p>Expertise needed: We may need legal advice, possibly some input from outside Foundations and Trust experts to see how governance is tackled elsewhere.</p>
10	<p>To what extent (and, if so, how) could ICANN, the Organization or a constituent part thereof, be the beneficiary of some of the auction funds?</p>	<p>44% YES 56% NO 0% NO OPINION</p>	<p>5% YES 67% NO 28% NO OPINION</p> <p>Sub-questions: Question needs to be clarified If ICANN is an investor and makes gains from the investments, then it will be a beneficiary - certainly we hope not all the investments will go south and the money</p>	<p>0% YES 78% NO 22% NO OPINION</p>

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			wasted! we hope to get returns and continue to invest in future projects. I assume the question is about whether ICANN can benefit in ways other than making the investment - eg developing an office building to house ICANN HQ?	

What other question(s), that are not covered by the charter questions and/or sub-questions that you have identified as part of the survey, should be considered by the CCWG in order to be able to develop its recommendations? Please also identify whether you consider this question(s) an overarching or gating question and whether external expertise is required to address this question?

- Q.1 What are the kind of projects or the nature of organizations that are going to be given priority from developing economies, projects implemented in such regions and/or underrepresented regions? In answering this question the answer to some other charter questions should be taken into consideration, as an example the answer to question 7 (the limitations of fund allocation) should already be known before the attempt to answer this question. I don't believe that external expertise would be required to answer this question as the answer will depend on the responds to other questions in which external expertise has been used. Q.2 What fund delivery mechanisms should be used. the answer to this question could affect the selection criteria and depends on the legal and fiduciary constraints. external help could be used

Any other comments or suggestions?

- It is important to take into consideration the order in which the questions are going to be attempted, as the response to some of the charter questions will depend on the answers to other questions
- Group questions as follows: 1. Questions that have to do with understanding what possible mechanisms we should consider. 2. Questions that will vary depending on the mechanisms we consider and that will determine how allocation will operate in practice. After doing a first run through I would return to the first set of questions to analyze pros and cons of each mechanism and define what recommendation to make. Analyzing several options will give us good arguments to make (one or more) recommendations and justify why other options were not given preference/left out.