The objective of this document is to review and analyze the examples that have been provided to date in relation to new gTLD Auction Proceeds allocation. As ultimately allocation needs to occur consistent with ICANN’s mission as well as the objectives set by the CCWG, you are requested to indicate for each of these examples with which part of ICANN’s mission it is considered consistent as well as which part of the proposed objectives. You may also indicate if you do not consider the proposed example consistent with either ICANN’s mission and/or the objectives.

As a reminder, ICANN’s mission is (from the [ICANN Bylaws](https://www.icann.org/resources/pages/governance/bylaws-en/#article1)):

***Section 1.1. MISSION [Note, letters have been assigned to each part of this section to facilitate the completion of the table in the next section.]***

|  |  |
| --- | --- |
| **A** | *(a) The mission of the Internet Corporation for Assigned Names and Numbers ("****ICANN****") is to ensure the stable and secure operation of the Internet's unique identifier systems as described in this Section 1.1(a) (the "****Mission****"). Specifically, ICANN:* |
| **B** | *(i) Coordinates the allocation and assignment of names in the root zone of the Domain Name System ("****DNS****") and coordinates the development and implementation of policies concerning the registration of second-level domain names in generic top-level domains ("****gTLDs****"). In this role, ICANN's scope is to coordinate the development and implementation of policies:* |
| **C** | * *For which uniform or coordinated resolution is reasonably necessary to facilitate the openness, interoperability, resilience, security and/or stability of the DNS including, with respect to gTLD registrars and registries, policies in the areas described in Annex G-1 and Annex G-2; and*
 |
| **D** | * *That are developed through a bottom-up consensus-based multistakeholder process and designed to ensure the stable and secure operation of the Internet's unique names systems.*
 |
| **E** | *The issues, policies, procedures, and principles addressed in Annex G-1 and Annex G-2 with respect to gTLD registrars and registries shall be deemed to be within ICANN's Mission.* |
| **F** | *(ii) Facilitates the coordination of the operation and evolution of the DNS root name server system.* |
| **G** | *(iii) Coordinates the allocation and assignment at the top-most level of Internet Protocol numbers and Autonomous System numbers. In service of its Mission, ICANN (A) provides registration services and open access for global number registries as requested by the Internet Engineering Task Force ("****IETF****") and the Regional Internet Registries ("****RIRs****") and (B) facilitates the development of global number registry policies by the affected community and other related tasks as agreed with the RIRs.* |
| **H** | *(iv) Collaborates with other bodies as appropriate to provide registries needed for the functioning of the Internet as specified by Internet protocol standards development organizations. In service of its Mission, ICANN's scope is to provide registration services and open access for registries in the public domain requested by Internet protocol development organizations.* |
| **I** | *(b) ICANN shall not act outside its Mission.* |
|  | *(c) ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet's unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a). For the avoidance of doubt, ICANN does not hold any governmentally authorized regulatory authority.* |
| **J** | *(d) For the avoidance of doubt and notwithstanding the foregoing:* |
| **K** | *(i) the foregoing prohibitions are not intended to limit ICANN's authority or ability to adopt or implement policies or procedures that take into account the use of domain names as natural-language identifiers;* |
| **L** | *(ii) Notwithstanding any provision of the Bylaws to the contrary, the terms and conditions of the documents listed in subsections (A) through (C) below, and ICANN's performance of its obligations or duties thereunder, may not be challenged by any party in any proceeding against, or process involving, ICANN (including a request for reconsideration or an independent review process pursuant to Article 4) on the basis that such terms and conditions conflict with, or are in violation of, ICANN's Mission or otherwise exceed the scope of ICANN's authority or powers pursuant to these Bylaws ("****Bylaws****") or ICANN's Articles of Incorporation ("****Articles of Incorporation****"):* |
| **M** | *(A)**(1) all registry agreements and registrar accreditation agreements between ICANN and registry operators or registrars in force on 1 October 2016**[1], including, in each case, any terms or conditions therein that are not contained in the underlying form of registry agreement and registrar accreditation agreement;* |
| **N** | *(2) any registry agreement or registrar accreditation agreement not encompassed by (1) above to the extent its terms do not vary materially from the form of registry agreement or registrar accreditation agreement that existed on 1 October 2016;* |
| **O** | *(B)any renewals of agreements described in subsection (A) pursuant to their terms and conditions for renewal; and* |
| **P** | *(C)ICANN's Five-Year Strategic Plan and Five-Year Operating Plan existing on 10 March 2016.* |
| **Q** | *(iii) Section 1.1(d)(ii) does not limit the ability of a party to any agreement described therein to challenge any provision of such agreement on any other basis, including the other party's interpretation of the provision, in any proceeding or process involving ICANN.* |
| **R** | *(iv) ICANN shall have the ability to negotiate, enter into and enforce agreements, including public interest commitments, with any party in service of its Mission.* |

The proposed objectives for fund allocation by the CCWG are:

* Specific objectives of new gTLD Auction Proceeds fund allocation are:
	+ (1) Benefit the development, distribution, evolution and structures/projects that support the Internet's unique identifier systems;
	+ (2) Benefit capacity building and underserved populations, and;
	+ (3) Benefit the Open Internet. [Note, the definition of Open Internet is subject to a separate conversation]

New gTLD Auction Proceeds are expected to be allocated in a manner consistent with ICANN’s mission.

If there are further examples you would like to add, please create another entry in the table.

For any additions and/or responses, please make sure to add your name so that any potential follow up questions can be directed to you.

|  |  |  |  |
| --- | --- | --- | --- |
| **Example Project** | **Consistent with following section of ICANN Bylaws (please use letter references from the above table – multiple options may apply)** | **Consistent with following part of proposed CCWG objective for fund allocation (please use number reference from the description above)** | **Notes/Comments** |
| 1 | A coalition of organizations working on remote participation tools and content receive a long-term grant to support localization efforts for 7 local languages not covered under the existing ICANN’s framework (Bahasa, Tagalog, Dutch, Hindi, Japanese, Malay, Urdu). This encourages local and national conversations that feed into the regional and global processes. 45 leaders from more diverse backgrounds and expertise feel empowered to participate. | Daniel Dardailler:Not part of the ICANN mission but in service of it if those tools are specific to ICANN gatherings. Also, it’s application level, so not as pervasive as infrastructure related things like standards and further away from the mission.  | Daniel Dardailler:part of Open Internet development if released as open source with no patent. and usable in a similar open remote participation tools (which may not exist) | Daniel Dardailler:Funding application development (or improvement to a particular application) raises the risk of altering competition in a given field, e.g. the remote participation tools. |
| 2 | The Oxford Internet Institute receives a grant to design, implement and cover the cost of business development targeted to gTLDs administrators in developing countries to improve their management and operations. The Institute produces a report and analysis useful for others not directly benefiting from the mentoring / courses.  | Daniel Dardailler: similar to training comment below: not part of the mission but done in service of it | Daniel Dardailler:Yes | Daniel Dardailler:ICANN should do that with the surplus in gTLD application fees. |
| 3 | The development of capacity building, education and qualification-related programmes specifically targeting under-served populations in developing countries, that:\* include primary school programmes about the internet and internet security issues, as well as about the DNS system and its related functions, that will develop an early understanding of the need for such knowledge\* incorporate specific internet and DNS training and development subjects into secondary school qualification programmes to encourage students to enter this area as a career\* build business and technical capacity for locally trained and qualified registrars and other appropriate personnel\* build general community understanding about the development of the internet and its required security, and the DNS and its related functions, and therefore are in local languages wherever possible\* and that these programmes, while requiring the consultation of technical experts, are developed by educational and training specialists from developing countries; and are coordinated within ICANN Learn or within an external organisation set up for this purpose | Daniel Dardailler:Education and training are not part of the mission per se, but are one of those things that is done “in service of the mission”. If the topics being taught are not part of ICANN mission then this raises an issue of alignment.  | Daniel Dardailler:Yes |  |
| 4 | 25 women and 25 men from around the world receive full scholarships at 12 different universities to conduct PhD studies on key technical issues around Internet infrastructure development. They participate at ICANN meetings during the course of their studies and volunteer to spread their knowledge across the community. Their research is shared with the community. 3 of them are elected for the ICANN board 10 years later, and 5 of them get to serve at high ranking posts across the government and the private sector. They all support ICANN’s growth and development and continue to actively contribute to the community. | Daniel Dardailler:Similar comments as for training above but this seems clearly not limited to ICANN mission, since it involves 50 different PhD in IT. The participation in the board would require a by-laws change. | Daniel Dardailler:Yes. |  |
| 5 | Small and medium enterprises owned or led by women and youth, indigenous and other excluded communities can be effectively enabled to participate in the global economiccommunity by "demand aggregators" and "supply aggregators" and other "economic-connectors". Examples are Siam Organic https://www.asiaforgood.com/siam-organicand Cambodian - Color Silk<http://colorsilkcommunity.wixsite.com/colorsilk-cambodia/color-silk-enterprise> | Daniel Dardailler:No.  | Daniel Dardailler:This is part of the Open Internet providing the platforms developed becomes part of the “commons”, that is, are free to use by all, with no profit by a party, etc. | while I do work for women empowerment on DNS and other ICT areas I do not see those projects as part of ICANN mission or all women agricultural programs will be able to participate and is, IMO too far from ICANN interest.  |
| 6 | A collection of datasets from the new gTLDs is reviewed and analysed and data visualizations and maps help to understand market growth. Combined data sets from other Internet measurements tools are discussed at policy sessions to support infrastructure development. | Daniel Dardailler: Not part of the mission but clearly in service of the mission, and it also shows another linkage between ICANN and open Internet standards since those tools often measure data coming from Web servers. | Daniel Dardailler:Yes, if the tools and results are available to all, part of the commons. |  |
| 7 | A global program to support disaster preparedness/management for Internet infrastructure organizations is structured with support from international organizations, following best practices and encouragingcollaboration among the community. A disaster hits 3 African nations. The ccTLD, ISPs, and other technical community organizations in the country have mechanisms in place to manage the disaster. They are well coordinated and able to have the Internet up and running very quickly to support first responders to do their work. There are funds available to provide assistance to technical community organizations (not eligible under humanitarian provisions) to receive generators, chargers, equipment and assistance to keep the Internet running. | Daniel Dardailler:Not part of the mission but done in service of it if only the IP/DNS operations are what’s being fixed. Providing electricity for instance is not aligned with the mission, nor is providing water for people providing electricity. | Daniel Dardailler: If the service is related to fixing access to the Internet (including DNS, IP Web), then yes, but providing hardware or energy for hardware is not. | Daniel Dardailler: look at http://ict4peace.org/ |
| 8 | A start-up receives a grant to support an innovative low-cost device that combines an open hardware and open software solution to interconnection issues in developing countries. The idea is piloted and deployed in 45 countries with funds from the auction pool. As the design is released under an open license, the support for such project benefits the Internet community as a whole. The start-up organizes their own business model based on service and technical assistance to guarantee sustainability. | Daniel Dardailler:No. | Daniel Dardailler:Yes, as long as the results are available to all with no profit. | I do not know if a company can get directly a grant derived from ICANN - a not for profit organization - . I beleive ICANN can INVEST on start up and get share of the company, but just grant without no return will be forbidden in many countries. I am not sure if it is the case of 501-3 in US |
| 9 | The IETF endowment fund receives a donation (unrestricted gift) to support standards development | Daniel Dardailler:No, but done in service of the mission. see W3C comments. | Daniel Dardailler:A big yes since it’s part of the Open Internet and also in support the Internet's unique identifier systems | Daniel Dardailler:Without IETF, no ICANN. Without W3C, no successful ICANN. |
| 10 | ISC to receive a donation from the auction pool (unrestricted gift) to support BIND development and maintenance. Although ISC conducts commercial activities to guarantee the development of BIND, the organization is a non-profit one, and revenue is used for sustainability of BIND. | Daniel Dardailler: No, but done in service of the mission, one step remove from ICANN than IETF. | Daniel Dardailler: yes | Daniel Dardailler: Note that there is competition for bind, so the issue of neutrality is raised. |
| 11 | 5 year grants to support the development of NOGs and Internet Governance forums in 100 locations at local, national, regional and global level increases participation at ICANN processes by 35% | Daniel Dardailler: No and Internet Governance is larger than ICANN’s mission, so in service of the mission if it’s to focus on ICANN roles. | Daniel Dardailler: yes |  |
| 12 | Projects that alert Internet users (particularly in developing countries) of the availability of generic TLDs that can equip them with a **unique** online identity, not a "co-branded" identity such as FB or Instagram (for example) provide. This may be of particular interest to small and medium businesses or farms, and entrepreneurs. | Daniel Dardailler: not in the mission and not even sure aligned. this looks like an application level service that could help providers of identity but I fail to see the benefits for ICANN.  | Daniel Dardailler: No, or not yet maybe, as it’s not clear this kind of unique online identity is what’s needed on the Open Internet, and more importantly if it is best architectured around DNS resolution. |  |
| 13 | Projects that can improve ease of registration of generic domain names in developing countries, (registration in their own language, payment in local currency, for example) in view of the scarcity of local ICANN accredited registrars in many of these nations. | Daniel Dardailler: I assume this means easing the creation of second level names in existing gTLD. Not in the mission per se but clearly inline since it brings revenue to ICANN and the DNS industry. | Daniel Dardailler: Yes. | Daniel Dardailler: so close to the mission that it could be done with the gTLD application surplus. |
| 14 | Internet Exchange Points (IXPs) can make a crucial difference in strengthening a city or country's Internet along with the potential to improve performance and decrease costs. And with a low cost:benefit ratio. At least in Africa, and probably other parts of the developing world, IXP are view by the local RIR as a critical part of building the region's capacity. | Daniel Dardailler: not part of the mission but in service of it. | Daniel Dardailler: yes |  |
| 15 | Support work done by W3C on areas of common interest. **Horizontal activities** are broadly recognized as an important part of the value of W3C. The following endeavors could be undertaken with more means:* enhanced Web security and privacy (in conjunction with IETF),
* work on handling Web related IDN and Universal acceptance issues,
* more guidelines and tools for Web and Internet users,
* better education programs on Open Web Standards,
* more open APIs for mobile apps and social network platform to ensure a strong hyperlink paradigm,
* more involvement in Open standard advocacy, and in solving IPR issues,
* more resources for testing Web standards - critical to providing an open environment
 | Daniel Dardailler:ICANN doesn’t have in its mission to develop Internet standards but these are clearly aligned with the mission, and necessary for the mission to be achieved. Section R is applicable, since Internet standards are in service of the ICANN mission. | Daniel Dardailler:Yes, since Open Web Standards are part of the Open Internet. | Daniel Dardailler: Buying plane tickets, doing outreach, or organizing big events 4 times a year is not strictly part of the ICANN mission, but ICANN do that and many other things in service of its mission. |