**New gTLD Auction Proceeds Cross Community Working Group**

**06 November 2019**

**Actions & Notes**

**Actions:**

**Affiliations:**

-- Correct Jonathan Robinson’s affiliation. It isn’t RySG.

-- Make sure all of the affiliations are correct prior to conducting the survey.

**Outstanding Issues:**

Page 25: ACTION: Keep the language the same but annex the full text of the Board.

Page 27: ACTION: When we do a review we will see how things fit together and see if we can clean it up more.

Page 28/29: ACTION: Say “charter by the Board” so we don’t have to say how the Board does it. Avoid naming the committee.

Page 29: ACTION: Revise the text; take out the point on compensation.

Page 41: ACTION: Revise the text (include terms such as “sustainable” or “unique” to address the Board’s concerns as well as those from Alan, Marilyn, and Xavier.

**Timeline:**

ACTION: Review the calendar to see if we can push out the public comment period so it isn’t overlapping the year-end holiday.

**Notes:**

1. Welcome / DOI & SOI updates:

-- Jonathan Robinson, not the Registry SG Rep, just a regular member, but listed as such in the report. The representative was Jon Nevitt.

-- Leftover from when Jonathan was a Co-Chair. He might be a participant, rather than a member.

-- Make sure all of the affiliations are correct prior to conducting the survey.

2. Short recap of current status of work:

a. Input received from ICANN Board & ICANN Org in relation to clarifying questions posed by CCWG (see [https://community.icann.org/display/CWGONGAP/Additional+Questions+and+Responses](https://community.icann.org/display/CWGONGAP/Additional%2BQuestions%2Band%2BResponses))

-- Reviewed the original draft version and staff created a version that integrates the new text.

-- WG members should review the draft and provide comments.

-- The goal is to finalize the document today.

b. Survey not launched yet as input from ICANN Board, especially on mechanism C, was deemed essential to inform survey. Survey expected to be launched shortly after ICANN66 so that indicative consensus designations can be included in proposed Final Report.

-- Survey will be launched after ICANN66.

-- Two versions of the mechanisms left.

-- It will be informal and launch it after the work is done at ICANN66.

-- Then there also will need to be a consensus call survey, after the replies from the second public comment period. It will be requested to choose between two mechanisms.

-- Survey will be short (indicative survey).

-- Comment: Mechanism B is not about a merger. That conveys a different method. It is more like a relationship.

c. Staff & leadership team have proposed a number of updates to proposed Final Report in line with clarifications provided by ICANN Board & ICANN Org – those reviewed during the last and agreed to have been accepted. Changes as a result of last week’s meeting and those not reviewed yet can be seen in redline in the latest version. A couple of outstanding items remain for CCWG consideration.

-- We will review the changes today.

d. CCWG agreed during its meeting on 23 October to prepare launch of public comment on proposed Final Report shortly after ICANN66.

-- Agreed to do a second-round public comment period.

-- Would like to do it without opening the whole document again.

-- Call out the issues that you want people to comment on. Make it more focused.

-- Will we go with all three mechanisms in ranked order? We would like to do the survey after reviewing the comments from Legal and the Board.

2. Outstanding issues:

a. Page 25 – any concerns about the proposed modification in relation to programmatic adjustments and baskets?

-- Allocating sections of the funds for specific purposes: Board did not recommend basketing.

-- Proposed text in response to charter question #6: this question will be deferred to implementation.

-- Proposal was to start without basketing and then it kicks in after the review or earlier. Leave in the flexibility for the Implementation Team to decide.

-- Recommend that this be deferred to the implementation phase, but leave this in as a reminder/placeholder. Note that basketing might be recommended in the future.

-- The language reflected is meant to keep the flexibility.

-- Could include that we could be examining the use of basketing in that first 3-year period.

-- Seems that the motivation is to ensure that there isn’t a precluding against applicants from Global South.

-- The Board’s point here was not to exclude anything, but to focus on the goals and objectives of the program and with the first review to see if there are problems that need to be addressed.

-- So long as the Board’s guidance is included in the guidance to the Implementation Team – to first and foremost focus on the goals and the objectives, rather than having the basketing put in before we are clear on the focus.

-- Avoid the terminology of “Global South”. It is not used anywhere in the document.

-- Just recommending the Implementation Team to consider this approach if it is necessary, but Board suggested doing it after the first review.

**-- ACTION: Keep the language the same but annex the full text of the Board.**

b. Page 27 – Consider Board input and decide whether updates should be made to this section.

-- Key point that it’s not clear to the Board that two panels are needed for the review function.

-- Copied this from existing fund environments.

-- Might agree with the Board but recognize that the role of the panel may change.

-- If the recommendation reflected a contained scope that would be comforting, but it doesn’t in the current form.

-- If you anticipate a light touch review we should be clear about that.

-- One way of dealing with this is to focus on the functional purpose/objectives of the two tasks. It could be reworded to focus on the desired purpose and outcomes.

-- The annual one was not meant to be a review but more like an audit – is the program working, are they giving out reasonable amounts of money, are they finding that the projects are successful after they get the money/projects aren’t working – is the mechanism doing its job well.

-- The 3-year one was did this group make mistakes and do we have to rework the whole program.

-- The two types of work, but it could be the same group.

**-- ACTION: When we do a review we will see how things fit together and see if we can clean it up more.**

c. Page 28/29 – any concerns in relation to the updates made to change OEC to ‘through a committee if appropriate’ following Board input?

**-- ACTION: Say “charter by the Board” so we don’t have to say how the Board does it. Avoid naming the committee.**

d. Page 29 – consider Board input on topic of compensation and decide whether any updates should be made to this paragraph.

-- When you compensate you can hold people accountable for doing the work and also have conflict of interest statements. Also, allowing this pro bono introduces a vulnerability.

-- There is an appropriate place for compensation. This auction proceeds review panel would be different from the applications evaluation panel. Could see compensation for the latter but not the former.

-- Seems that we have not well defined the scope of work and responsiveness.

-- Remind ourselves of the panels 1) evaluate projects, take a decision, select project, and technical evaluators will work with the projects – need to be able to pay them; 2) the panel relating to this comment would come from the community and review after 2 years and then annually. It will be a light-touch basis to see if it is working.

-- This is the annual panel – don’t see this as needing a huge amount of professional skill. Looking at the reports provided by the mechanism. Looking at the basic questions: are they spending the money, making wise decisions, etc.? Not sure this panel needs compensation.

-- Look at the description – just look at what type of reviews we need and make a more general statement; compensation could be considered once the roles of the panels are clarified.

**-- ACTION: Revise the text; take out the point on compensation.**

e. Page 41– any concerns in relation to the proposed modification to point 5 in line with the Board’s input?

-- Board’s view that auction proceeds should not be used for ICANN’s operations or applicants’ operations. Applicant should demonstrate that it will not be dependent on future auction proceeds.

-- Don’t think it’s realistic to say that a program that was previously funded could not expect to receive future funding for the same type of program.

-- If the project needs to be brand new we will miss out on helping a program to scale up.

-- These also seem to be implementation details.

-- Maybe say that the projects should demonstrate some sustainability.

-- This would be hoping a huge link between the ICANN budget and the auction proceeds.

-- The origin of the definition of the program is because these funds are one-time funds they should not be funding activities that can be recurring – not a good idea from a sustainability point. Because once the funds stop the activity has to stop.

-- The decisions should not be because of the amount of money available, there should be other considerations.

-- Be careful resuming activities that recreate support and structures to be carried out because at some point the funding will stop.

-- Remember why this text came up: we didn’t want to push the evaluators in a corner on a project that was funded 10 years ago. Evaluators should be able to make a decision on the merits of a project.

-- What if it is a project funded in the past but in a complete different region?

**-- ACTION: Revise the text (include terms such as “sustainable” or “unique”) to address the Board’s concerns as well as those from Alan, Marilyn, and Xavier.**

3. Review the Timeline:

-- Question: Will this group not meet in Cancun? Ideally meet in Cancun, but it depends on the timeline with respect to the public comments. Also depends on the number of members in Cancun.

-- Too short a period of time to review the revised report (one week after ICANN66).

-- If we expand some time now we could issue the report the first of January and not over the holidays.

-- Review is just the most recent changes, not the full report.

-- Let’s try to get it done in this time.

-- **ACTION: Review the calendar to see if we can push out the public comment period so it isn’t overlapping the year-end holiday.**

4. AOB: None.