

.Club Domains, LLC Comment on the Top Level Domain (gTLD) Auction Proceeds Cross-Community Working Group Initial Report

November 20, 2018

ICANN has published the Initial Report (Initial Report) of the Top Level Domain (gTLD) Auction Proceeds Cross-Community Working Group (CCWG).¹ We hereby present a specific proposal that supports ICANN and the stakeholders of ICANN. In addition, we address our specific responses to the CCWG Clarification Requests.

I. The Auction Funds Global Awareness Campaign Proposal

We propose that ICANN should earmark a portion—15% of the total auction funds—to support an education campaign to promote Universal Awareness of the uses of the Domain Name System and all TLDs in general. The Board-Approved 2011 Global Awareness Campaign² can be extended and used as a model (see II a. below). This has the advantage of ensuring that the plan is within the scope of ICANN’s mission, bylaws and tax status, and builds on the work done by the previous group.

The Auction Proceeds Global Awareness Campaign should incorporate the following themes from the 2011 Global Awareness Campaign, which the ICANN Board has already vetted and approved:

- “consumers and end-users [should be the] primary target” (2011 Global Awareness Campaign).
- “gTLDs are a platform [as a] innovation.” (2011 Global Awareness Campaign).
- “The landscape of the Internet is changing” (2011 Global Awareness Campaign).
- The “promotion of competition in the domain name market while ensuring Internet security and stability.” (2011 Global Awareness Campaign).
- The Auction Proceeds Global Awareness Campaign should not favor any single TLD, to the exclusion of the others, in alignment with the 2011 Global Awareness Campaign recognition of its “role as stewards, not advocates” and therefore being “neutral”. This follows the CCWG recommendation that “Projects should avoid “marketing” any particular option, but help to highlight how the DNS works, and how to use a domain name, generally.”

We propose that a steering committee of diverse backgrounds be formed of qualified members from the ICANN community who would be tasked to craft an RFP that would serve to hire a qualified professional agency to create and execute a Global Awareness Campaign. The Auction Funds designated for global awareness should be allocated to cover the costs of such an agency and all media spending subject to the guidance and approval of the Steering Committee. The funds should be designated for expenditure over three years. This has the

¹ <https://www.icann.org/public-comments/new-gtld-auction-proceeds-initial-2018-10-08-en>

² <https://www.icann.org/news/announcement-2011-07-05-en>

advantage of allowing for testing and pilot programs to ensure the funds are utilized to create an Awareness Campaign with the greatest impact.

II. Responses to the CCWG Clarification Requests

This section addresses the CCWG's previous work and discussion of an awareness campaign. In the November 16, 2017 meeting, the CCWG raised two important questions regarding use of the Auction Funds to support a Global Awareness Campaign. 1) Would such partial allocation be within the scope of the ICANN Mission & Bylaws; and 2) would such an awareness campaign be consistent with ICANN's integrity.

According to the Initial Report, the following clarifications were specifically requested.

- A Global Awareness Campaign was categorized as "Examples to be further considered by CCWG – certain parts may be consistent while others may not." (Initial Report).
- "A legal investigation is needed, whether [a Global Awareness Campaign] is within scope of ICANN's mission and Bylaws. (Initial Report).
- Are we violating ICANN's integrity? (Initial Report).

a. Allocation of a portion of the Auction Funds to support a Global Awareness Campaign is clearly not outside the scope of ICANN's Mission/Bylaws because the ICANN board already approved a gTLD awareness campaign in 2011 that was to target the Domain Industry, Registrants, and Consumers.

There is no question that an education campaign about the gTLDs and the nature of the DNS falls squarely within ICANN's Mission under the Bylaws. In fact, the ICANN board has already approved a gTLD Global Awareness Campaign, "On 20 June 2011, ICANN's Board approved a program that will add to familiar top-level domains such as .com, .org, and .net, the possibility of having almost any word in any language as a top-level domain. This massive expansion of the number of possible domain names calls for an equally significant communications campaign to raise global awareness about the program. "

The 2011 Global Awareness Campaign provided for consumers to be targeted for awareness of the gTLDs. "[N]ew domains must first be available before end-users can reap the benefits. It is the entities that apply for and implement new gTLDs that will pass on the benefits to the end-user" (Emphasis Added, Page 3, 2011 Global Awareness Campaign). Moreover, the board expected that the "consumers and end users" would be targeted after the new gTLDs became available. It is unclear why ICANN has not followed through on the board directive to initiate a Global Awareness Campaign aimed at consumers and end-users, but this is an opportunity to follow through.

Additionally, the 2011 Global Awareness Campaign envisioned a "Coordinated campaign incorporating TV, radio, print and online advertising elements, customized by region. Initial advertising targets: international business TV, newspapers and websites, Google ads. Develop an energetic, bright, attention-getting teaser campaign – both in video and print form - that piques interest and directs people to the new gTLD website." (Page 4, 2011 Global Awareness Campaign).

The 2011 Campaign was in alignment with the CCWG recommendation that any awareness campaign be neutral, so as to maintain ICANN's integrity. "Recognizing our role as stewards, not advocates, we will be neutral, presenting all sides of the issue while still promoting the great work done by all who participated in crafting the program." (Page 2, 2011 Global Awareness Campaign). Additionally, the existence of the 2011 Global Awareness Campaign serves to answer the CCWG's question of whether an awareness campaign would be compatible with ICANN's integrity.

b. The Transcript of the November 16, 2017 CCWG Meeting indicated that the Global Awareness Campaign would remain in play, although the Initial Report was ambiguous, and sometimes contradictory.

The CCWG Initial Report unfortunately omitted the support from the contracted parties house of the GNSO. In response to concerns which were posed from the business constituency and the ALAC, it was noted that "I have a hard time understanding why [the Global Awareness Campaign] would not be included in the mission when we're talking about an awareness campaign or perhaps a new round in developing areas to apply [for] a top-level domain when the Applicant Guidebook which is the source of this funding actually uses that as an example for potential uses. So while we may or may not agree that that's a good use[,] I don't see how we could agree that it's not an acceptable use under the mission of ICANN. Thank you." To which the moderator responded: "Agree. That's why we are not deleting it but we're putting it with a comment on the right column to the very end or we keep it where it is." (CCWG Meeting Transcript from November 16, 2017).

Thus, the CCWG transcript indicated that proposal 12 was to remain in play, with a clarification request about whether a Global Awareness Campaign would be within ICANN's mission. Based on the fact that a Global Awareness Campaign supports ICANN's mission of Global Acceptance & supporting the interoperability and openness of the DNS, and the ICANN board has already approved a Global Awareness Campaign in 2011, the CCWG's mission concerns should be answered affirmatively, that the use of the Auction funds is squarely within ICANN's mission and the plain language of the ICANN Bylaws.

Taking all of the above into consideration, and especially the fact that a Global Awareness Campaign has already been approved by the ICANN Board, we strongly urge the CCWG to consider our proposal and recommend the establishment of a Steering Committee and the allocation of 15% of the auction proceeds toward the above-referenced Global Awareness Campaign to be managed by said Steering Committee.

We thank the ICANN Board, the CCWG, and the community for the opportunity to comment on the Initial Report and to contribute to answering some of the questions that the CCWG has raised.