

23 December 2024

Nicolas Caballero  
Chair, ICANN Governmental Advisory Committee

Re: Proposed Update to Recommendation 7 from the New gTLD Auction Proceeds  
Cross-Community Working Group

Dear Nicolas,

Thank you for your letter of 17 May 2024 regarding the GAC's request for additional assurances about the safeguards for ICANN's Accountability Mechanisms in relation to Recommendation 7 of the Cross Community Working Group on Auction Proceeds (CCWG-AP) to limit access to ICANN's Accountability Mechanisms within the ICANN Grant Program. In addition, we thank the GAC for its recent contribution to the Public Comment on the [Proposed Fundamental Bylaws Amendments Related to Grant Program](#).

We note that in the GAC's 16 September 2024 Public Comment, the GAC notes that it understands that the Bylaws proposal "is designed to specifically exclude the use of the ICANN's Reconsideration and Independent Review Processes (collectively, "Accountability Mechanisms") to challenge decisions on individual applications in the ICANN Grant Program, replacing the earlier proposed amendments to Article 4, Section 4.1 to set out a general process for how the ICANN community can limit access to ICANN's Accountability Mechanisms" and "does not otherwise add to or modify the Bylaws governing either Accountability Mechanism.

Since the GAC's May 2024 letter, the ICANN Board has also taken other actions to clarify that the April 2024 set of proposed Bylaws amendments relating to ICANN's Accountability Mechanisms are overtaken and no longer under consideration. On 29 July 2024, the [Board confirmed](#) "that it is no longer pursuing the previously posted amendment to Article 4, Section 4.1 of the Bylaws."

The more narrowly tailored solution, as approved by the Board [on 10 November 2024](#) and currently under consideration by the Empowered Community, addresses the GAC's stated concern that the reliance on a general process "creates broader loopholes to fundamental ICANN community expectations regarding the independent review of other ICANN actions that may range beyond the ICANN Grant Program."

The Board's ability to award grants within the ICANN Grant Program is still dependent on the CCWG-AP Chartering Organizations each agreeing or not objecting to the proposed update to the CCWG-AP Recommendation 7 to remove the phrase "from the Independent Project Application Panel" from the text of the Recommendation. As of

today, the Board has heard from each of the other six Chartering Organizations to the CCWG-AP that they are either in favor of the update, have no objection to the update, or no comment on the proposal.

We hope that this letter provides the GAC with the assurances sought before opining on Recommendation 7. The Board and ICANN org remain available to provide any further information.

Best Regards,

Tripti Sinha  
Chair, ICANN Board of Directors