

ICANN64 – CCWG Auction Proceeds Meeting

DATE: Monday, 11 March 2019 / **TIME:** 13:30-15:00

ICANN64 Schedule link: <https://64.schedule.icann.org/>

NOTES AND ACTION ITEMS:

CCWG Auction Proceeds

Monday 11 March, 2019

1. Roll Call
2. Welcome / SOI & DOI Updates
3. Brief overview of the objective of the CCWG and status of work
 - See slides presented during the meeting (<https://community.icann.org/x/OKQWBg>)
 - Leadership expressed desire to complete work by ICANN65 – at which time a decision would need to be made on whether a new public comment period is necessary

Discussion in relation to mechanism A, B and C

- It was emphasized that certain aspects, such as independence of evaluators, Board legal and fiduciary requirements, will be the same regardless of which mechanism is chosen.
- It was pointed out that mechanism C, foundation, could be in-house or external – some expressed a view that in order to ensure independence, it would need to be external.
- Mechanism B – it was noted that some comments seem to have favored this mechanism, but without necessarily having clarity or agreement on which aspects of the work would be outsourced to the external entity.
- Some pointed out that the favoring of C could be the result of a misunderstanding of the role of ICANN Org in the context of mechanism A – ICANN Board or ICANN staff will NOT evaluate or select individual projects, this would be done through independent evaluators.
- If various mechanisms are provided, it really needs to be clear what each mechanism means and includes (and what it doesn't). The leadership team therefore recommends to identify topics that will have to be addressed in all mechanism - for example fiduciary and legal obligations - in an identical way and separate these topics from topics that have to be differentiated, based on the mechanism selected.
- Board input: whatever recommendation CCWG makes, it will not be Org or Board deciding on individual projects. Mission, values and fiscal responsibility are the key factors.

- Re-evaluate legal advice / comments from Board – put this in the form of an FAQ so it is easily digestible. Make sure to provide a link to the full record. These documents would also guide the implementation phase.

Action item: Staff to further develop FAQs and share these with the CCWG.

4. Continue review of public comments:

a. Charter question #2 input (see template attached)

Comment #4 – since there is a statement that these funds cannot be used on activities that are already funded by the ICANN budget, would need clarity whether another entity could work on this project as this would be considered consistent as ICANN already works on this, but it could probably not be used to fund a specific project that is already being funded. Differentiate between the label / topic and a specific project. CCWG may need to further consider how limited or broad may go with regards to whether or not something that ICANN Org has funded previously could be funded, or whether it is only intended for projects that ICANN Org has not funded previously. Need to be clear about this and not leave a question mark. The more it looks like operational work, it gets close to crossing the line. Highlights the importance of independence of evaluators to make these decisions. If it is currently or more recently funded, it should not be eligible. Could develop grant-making guidelines which specifically either exclude line items funded in the ICANN budget. But grantmaking could still be guided by the Strategic Plan goals.

CCWG response: Evaluators may need to differentiate between what it is in the regular operational budget and what has been funded on a more exceptional basis, but this will be a determination that needs to be made by the evaluators in line with the legal and fiduciary requirements.

CCWG agreement: Review example list as well as guidelines and consider whether additional language should be added to reflect the above discussion.

(Marilyn, Elliot, Jonathan, Alan and Maureen to develop draft language for inclusion).

Comment #5:

CCWG agreement: leadership team to review the language and make a recommendation on whether or not further clarify the language.

Comment #6: See CCWG agreement #4.

CCWG agreement: review evaluation guidelines to make sure that sufficient reporting requirements are included.

Comment #9: Would need to confirm legal requirements and whether this would be possible.

CCWG agreement: request clarification from ICANN Legal whether there would be any constraints that would prevent this from

b. Charter question #3 input (see template attached)

Comment #1:

Action item: CCWG to review the ICANN Board letter and reconsider during the next meeting whether or not to add the Board's language.

CCWG agreement: to be confirmed during the next meeting.

Comment #2: It is in the nature of grantmaking that not all projects succeed. It would be good to determine in grantmaking guidelines how that risk will be assessed and what percentage of projects will be funded that are "risky" or "aspirational".

CCWG agreement: add 'reputational risk' to CCWG's checklist as an important factor in designing the final mechanism as well as project evaluation.

c. Charter question #4 input (see template attached)

Comment#4: CCWG is considering a one-off mechanism. If it comes up in the future, the ICANN Board / community can reconsider this decision. No change to be made to the recommendation.

d. Charter question #5 input (see template attached)

e. Charter question #6 input (see template attached)

f. Charter question #7 input (see template attached)

(Review of these may continue during Wednesday's session)

5. Confirm next steps & next meeting

Next meeting scheduled for Wednesday 27 March at 14.00 UTC. (Note that the Wednesday meeting at ICANN64 has been cancelled due to lack of expected participation).

Background documents

[Charter Question #3 Review Template - 25 Feb 2019.docx](#)

[Charter Question #2 Review Template - upd 5 March 2019.docx](#)

[Charter Question #4 Review Template - 7 March 2019.docx](#)

[Charter Question #5 Review Template - 7 March 2019.docx](#)

[Charter Question #6 Review Template - 7 March 2019.docx](#)

[Charter Question #7 Review Template - 7 March 2019.docx](#)

[ICANN64_CCWGAP - Update - 11 March 2019.pptx](#)