

28 September 2023

Response to ICANN Grant Program Update

To: Xavier Calvez, SVP Planning and CFO, ICANN

Dear Xavier,

I am writing to you in response to your [message](#) of 18 August 2023. On behalf of the GNSO Council, we appreciate the update you've provided on the status of implementation of the ICANN Grant Program.

In relation to the specific ask in your message: "if you are comfortable in having them [former CCWG-AP members] engage in this conversation or whether it should be held differently", the Council has no objection to ICANN org engaging with the former CCWG-AP members. However, the Council wants to emphasize that these former CCWG-AP members are engaging with ICANN org in their personal capacities as their responsibilities as appointed members to the different Chartering Organizations ended with the delivery of the Final Report. As a result, the GNSO Council expects that any changes to the implementation of previously adopted recommendations are approved by the different Chartering Organizations before they can be approved by the ICANN Board.

Furthermore, several Council members have expressed concern about the proposed change to the implementation of an already adopted CCWG recommendation and believe the rationale for why the CCWG recommendation cannot be implemented as originally adopted has not been made sufficiently clear. In their view, it is a potentially slippery slope if grant applicants are requested to sign away rights that are granted in the Bylaws by means of terms and conditions instead of the originally foreseen approach of changing the ICANN Bylaws on the Reconsideration Request and Independent Review Process to specify the carve out. There is concern that this could set a dangerous precedent in which ICANN can remove remedies afforded in the bylaws via bilateral contract.

I would like to request that you share further information about the rationale for the proposed change to the implementation of the recommendation with the Council as well as why ICANN org is of the view that it cannot or should not be implemented as originally foreseen by the CCWG-AP so that the Council can further consider its position on the proposed change.

We look forward to receiving your feedback,

Sebastien Ducos
GNSO Chair