
ICANN Transcription
CCWG New gTLD Auction Proceeds
Wednesday, 25 March 2020 at 14:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Attendance and recordings of the call are posted on the agenda wiki page:

<https://community.icann.org/x/hiaJBw>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

<http://gnso.icann.org/en/group-activities/calendar>

JULIE BISLAND: All right. Well, good morning, good afternoon, and good evening. Welcome to the CCWG New gTLD Auction Proceeds call on Wednesday, the 25th of March, 2020. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. If you're only on the audio bridge at this time, could you please let yourself be known now?

SARAH DEUTSCH: I'm trying to get in via computer, but I'm joined in by phone for now.

JULIE BISLAND: Okay. Great, Sarah. Thank you.

All right. And everyone please reminding you to please state your name before speaking for the transcription and keep phones and microphones on mute when not speaking to avoid background noise. With this, I'll turn it back over to Erika Mann. You can begin, Erika.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

ERIKA MANN: Hi, Julie. Thank you so much. Hi everyone, I hope you all are doing fine, enjoying the so-called free time. So, let's see. What do we have on the list today? Update. Anybody has an update on concerning the conflict of interest declaration? No? Okay. Done.

Then let's move forward and let's have a look and review the still outstanding items on our list concerning the public comment. We made good progress last time and so far we don't have so many items to discuss today. Julie, can you open the documents please? Not Julie. Sorry, apologies. Emily.

EMILY BARABAS: Yes, doing so now.

ERIKA MANN: Wonderful. So, yeah. Here you can see the first item on the agenda for today and, Emily, I hand over to you. It's much easier if you take the questions which we had put forward and then the outstanding comments. Can you do this?

EMILY BARABAS: Hi, Erika. I can certainly do that.

ERIKA MANN: Thank you.

EMILY BARABAS:

So, we just have a few comments remaining and all of them are on Public Comment Question #4. The question was: are there any other comments or issues you would like to raise pertaining to the proposed final report? And there's just a handful of responses.

The first comment is from the Registry Stakeholder Group and they state that they think that the CCWG should be implemented in such a way that permits continued and efficient allocation of funds that become available in the future. So, this is tied to one of the comments that we've previously discussed in response to one of the other public comment questions regarding use of the mechanism in the future beyond allocation of 2012 round funds. And the action that was previously discussed for the similar comment was that the final letter to the chartering organizations and Board accompanying the report could include this comment and input. So, I'll pass it back to you, Erika, to see if anyone has any additional comments about that.

ERIKA MANN:

Emily, thank you so much. I check. There is no hand raised. I can't see anything in the chatroom. I think we are fine because we had discussed this before, similar one, and we came to a conclusion that's the best approach. And so [further] if there's nobody wanting to make a comment right now, I think we just move forward, Emily. Back to you. Just take the next item.

EMILY BARABAS:

Thanks, Erika. The second comment is from the IPC. The IPC states that they first agree that grants should be final and should

not be subject to being overturned by the appeals mechanism. And then state that they would like Recommendation 7 to be revised to clarify that the appeals mechanism should not apply to applications for grants which are approved in addition to those that are not approved. This is also something that was previously discussed in review of another comment. I believe Sam brought it up and there seemed to be support for indeed incorporating that language.

And then the final element of this comment is that the IPC believes that Recommendation 7 should be expressed in stating that nothing in the recommendation is intended to modify the rights of the Empowered Community in relation to the overall budget with respect to the proposal line item for Auction Proceeds grants.

The leadership recommendation was first to incorporate the language to reference both approved and not approved grants as previously discussed. And then we now have input from ICANN Legal on two questions regarding the Empowered Community that came up in the review of public comments previously and are also relevant to this comment.

So, Erika, maybe it would be helpful for us to bring up that feedback. I know we haven't sent it around to the list yet but I can bring it up and read through it for people to respond to and [see what they thought on that].

ERIKA MANN:

Absolutely. Yeah.

EMILY BARABAS: Yeah?

ERIKA MANN: Yeah.

EMILY BARABAS: Okay. One moment.

ERIKA MANN: Thank you so much, Emily. I would do this because I haven't had a chance to see it neither. I saw that you sent it to me and to Ching but I just was in a meeting and I just couldn't look at it. And I believe we have Sam with us. Let me check the participant list. Yes. So maybe then Sam can as well guide us through it and then ...

EMILY BARABAS: All right. Okay. And that's just to ...

ERIKA MANN: Somebody [inaudible]? Yeah you forwarded it?

EMILY BARABAS: Okay, I just sent via email the text that we're going over to the mailing list, so that if people want to follow along, it should be in

your inbox momentarily if you're having trouble reading the small text. So maybe, Sam, if you –

ERIKA MANN: Emily, just what I would do. I would read it so that everybody is updated, if you don't mind. I see it's not too long.

EMILY BARABAS: I will certainly do so. Yep. No problem.

ERIKA MANN: And then you can ask Sam as well for comment please.

EMILY BARABAS: Great. So, the comment from the BC that prompted the first question, this is just a subset of the text of that comment.

“The BC notes that the CCWG has already recognized that bylaws must be amended to eliminate request for reconsideration and independent review panel from the available remedies to challenge grants. These are amendments, the fundamental bylaws, and which should require Empowered Community approval.”

So, the question from the Leadership Team to ICANN Legal was: “It's the Leadership Team's understanding that a carve-out would be needed from existing accountability mechanisms as any Board decision could be challenged under the existing accountability mechanisms including the approval of allocation of Auction

Proceeds. Therefore, an exemption is needed if Board decisions on Auction Proceeds are not challengeable under existing accountability mechanisms. Can you confirm that this is correct?”

And the response from ICANN Legal says that, “Yes, this is correct. This will require an amendment to the fundamental bylaws as the BC note suggests in order to effectuate this carve-out. The fundamental bylaws process requires Empowered Community approval. This does not mean that the Empowered Community must approve the CCWG Final Report, but we should be clear that there is crossover between the decisional participants and the Empowered Community and the chartering organizations for the CCWG that a bylaw change is necessary and will be forthcoming. Of course, the bylaws change will have to be appropriately drafted and will be subject to all appropriate processes.”

So, this item is not actually directly relevant to the comment, but since we are going through the legal feedback, I’m just going to go in order. There’s just two items. Erika, do you want me to pause here and do you want to talk about this one first, or should I go to the second one, or read through all that first?

ERIKA MANN:

I would pause briefly and just see if somebody wants to raise a point here. I think it is self-explanatory and was the answer what we were expecting. And so far, we should be fine. I see Anne is raising her hand. Anne, please.

ANNE AIKMAN-SCALESE: Yeah, thanks Erika. I'm just a little confused by the nature of the question because it's talking about a Board decision but the grants themselves are not Board decisions. And so, the response from legal relates to of course a need for the bylaws amendment, but as far as I know decisions on individual grants are not Board decisions. Those are evaluation panel decisions.

ERIKA MANN: That's correct.

ANNE AIKMAN-SCALESE: So, I'm curious about how the question was presented. But maybe going into the rest of it will be helpful. Thank you. I don't know that ... Maybe that's too picky and maybe it will be answered by the further questions.

ERIKA MANN: Yeah. I believe that's just a formulation issue. I think you're absolutely right. And this is the way they have presented in the report to ... Yeah. I can't read currently the question, so I'm a little bit handicapped here. Just to recheck the point again, Emily, could you just read maybe again the point Anne was making?

EMILY BARABAS: Sure, I can reread the question, but I also wanted to note that Sam has her hand up and can possibly clarify. So maybe it makes sense for Sam to speak first then we can reread if necessary. Thanks.

ERIKA MANN: Absolutely. Just reread it first and then I go to Sam.

EMILY BARABAS: Okay. So, the question is: "It is the Leadership Team's understanding that a carve-out would be needed from the existing accountability mechanisms as any Board decision could be challenged under the existing accountability mechanisms including the approval of allocation of Auction Proceeds. Therefore, an exemption is needed if Board decisions on Auction Proceeds are not challengeable under existing accountability mechanisms. Can you confirm that this is correct?"

ERIKA MANN: Okay. [Inaudible]. Thank you so much. Sam, please.

SAM EISNER: Thanks. And thanks Anne for the question, I think your question is fully on-point. I want to confirm that when we were formulating the answer from the legal position, we read this to mean the accountability mechanisms for At-Large. So, we weren't caught up in the issue of whether it was a Board decision or not. But the reconsideration request process and the IRP process go much more broadly than just items that the Board takes a decision on. They're also about Org actions, Board inactions, Org inactions. And so, we weren't caught up in the wording that was presented by the leadership because we understood this to mean about how things are challenged [for At-Large].

To my point, I didn't read this question as inserting any new process into the Auction Proceeds mechanisms that we had already previously agreed wouldn't be there. I just took it as what does this actually mean for the bylaws as it relates to the auction proceeds as it would intermingle with the accountability mechanisms? And so, if the leadership can also confirm that was their intent, I didn't read this as any change was needed, but I think that's a really good point that we always need to remember as we're going through the design of the process.

ERIKA MANN: Yeah. You're totally right. It's just not very clear formulation on the understanding of the text and the question on the leadership team. You're absolutely right. This was our intention. So, apologies, if this wasn't perfectly well-phrased. Sam, you want to add something, or should I take Alan first? Sam, have I lost you?

SAM EISNER: No, go to Alan please.

ERIKA MANN: Alan please. Alan, are you on mute?

ALAN GREENBERG: I have come to hate this part of Zoom that I have to unmute in several places. I just wanted to reiterate that certainly when we originally came up with a concept, this was not just on Board

actions but on any actions for which accountability mechanisms can be used.

Also, in the answer there, there's a reference to decisional participants of the Empowered Community and the crossover with the chartering organizations of the CCWG. So, presuming that we highlight this when it goes to the chartering organizations noting that this is something that's going to come back to them if the Board approves our report, although this is ...

Given the work in accountability, this sounds highly unusual to say we're now going to have an exemption for the accountability measures which were so large, but given the specific target of this, I hope I do not foresee any problem in getting it approved even though it does require significant process to get a fundamental bylaw approved. Thank you.

ERIKA MANN:

Yeah. Thank you so much, Alan. I believe, yeah, you're absolutely right. Let me check question. I have difficulty today with Zoom. Zoom is just moving in and out. I don't know what is wrong. We have some issue with the bandwidth that they [inaudible] in Europe, so I'm just checking the chatroom. So, there's confirmation from Emily, too, that this was our understanding. She was on the call when I had to call with the leadership team and was Emily and Marika. Ching couldn't join us. [inaudible] concerning the mute button.

Alan is saying, "The confusing language is including the approval of allocation of Auction Proceeds. Allocation is not normally a

budget term and we have to clarify that EC powers are not diminished as to the overall budget.”

I believe this we already clarified, Alan. But we can check once we do the final drafting that this is absolutely clear. Yep. So, let me go back and check if we have somebody else who is raising the hand, otherwise I believe we have an understanding here. Okay. Check the second item, Emily, and then we can always come back to this one if needed.

EMILY BARABAS:

Thanks Erika. So, this was a question for ICANN Legal in response to a comment from the BC but it’s directly relevant to the IPC comment that we just read through earlier.

The BC is also concerned that the final recommendation does not contain sufficient detail to ensure that the Empowered Community retains the ability to oversee ICANN’s proposed budget and the disbursement of the Auction Proceeds. In particular, the Empowered Community should retain its ability to enforce accountability mechanisms related to items in the ICANN budget that are proposed to be allocated and grant-making activity. The final report should also clarify that any changes to the bylaws needed to implement the report are not intended to strip the Empowered Community of its budgetary authority.

The question for ICANN Legal was regarding the text in bold. “It is not clear to the Leadership Team that the Empowered Community is relevant to the allocation of Auction Proceeds as Auction

Proceeds funds are kept and accounted for separately. Does it even fall within the Empowered Community's purview?"

The response from legal was that, "The place where the Empowered Community's powers come in is only in relationship to the specified powers if specified powers in the bylaws. The Empowered Community powers includes rejection powers on the Five-Year Strategic Plan, on the Five-Year Operating Plan, on the Annual Operating Plan and the Annual Budget, which would include grant-making activities as relevant. There are no plans to change any of those Empowered Community powers, other than in the broader scope of carving out individual application decisions from ICANN's reconsideration or independent review processes. To the extent that there are items represented in ICANN's Budget or Operating Plans that relate to grant-making activities, the Empowered Community powers would be applicable. If there are separate budgets or plans that are appropriate to maintain for ICANN's separate grant-making mechanism work, the details of how that interacts with the bylaws' mandated budgets and plans will need to be addressed during implementation."

Erika, I'll pass it back to you.

ERIKA MANN:

Emily, thank you so much. I'm checking if somebody wants to ... Alan, would you want to come back to this item now? In the light of what we discussed before or is this a language you are in interpretation of the BC comment, you can [inaudible]? Alan, please.

ALAN GREENBERG: Yeah, thank you. I just wanted to point out the IRP is not limited to Board actions. Reconsideration, I believe, is Board actions. The IRP is actions or inactions of staff, including staff, and I think that would extend to any contracted group that staff contracts with.

So, what we were trying to do when we introduced this whole concept is if someone applies for a grant and we, through our normal processes, say, no, that they don't have a right to appeal it through our accountability practices, that is what we were trying to stop and I believe what the wording we have. It does that. It also says you can't appeal Board actions and things like that, but that wasn't the target. The target was you can't appeal decisions of the independent group that is doing the selection. Thank you.

ERIKA MANN: Thank you, Alan. Anne, please.

ANNE AIKMAN-SCALESE: Yeah, thanks Erika. I think that the response from ICANN Legal is helpful in that it says there are no plans to change any of those Empowered Community powers other than in the broader scope of carving out individual application decisions from ICANN's reconsideration or independent review processes. And so, I think essentially ICANN Legal, subject to any further comments Samantha may have, are confirming that this can be clarified with respect to the EC powers on the overall budget by a line item—the allocation, what I would call an allocation, in the overall budget line item. But I guess I haven't yet seen or focused on ... I'm sure it's

there, but I haven't seen the language that we use to clarify that in the final report.

I certainly think that our language that we had with respect to modification of the bylaws that will be necessary was pretty good, although I think I had thought that it should explain to the community that it is a fundamental bylaw that's being modified and I'm not sure that we mention that this is a fundamental bylaw. But I guess we'll go over the language here soon. Thank you.

ERIKA MANN:

Thank you so much. I believe we have a pretty good language, but I would want to see it again like you.

So, let us go back to the chatroom quickly. So, Sam is writing: "IRP does not extend to contract us. It is about whether ICANN followed its bylaws and mission."

And Alan is saying: "Sam, is that clear? I'm not sure if it's relating to the point Sam is making. You cannot absolve yourself of responsibility by sub-contracting."

Reply from Sam: "Alan, if ICANN [inaudible] relies on actions taken by subcontractors then you can challenge on ICANN's action not to subcontract that action. That's correct."

So, I think this is clarified, but maybe Sam, you want to make the comment yourself and then we can continue from there? Sam, can you talk?

SAM EISNER:

Yes, thank you. So, I think the point that Alan's making is something that we'll have to just make sure is addressed as we're doing the carve-out because the point of the carve-out was that we had agreed previously as a CCWG that ICANN's accountability mechanisms were not going to be properly used to challenge individual decisions about grants. So, a person who submitted an application and was denied should not then use ICANN accountability mechanisms to challenge that. And there were other ways that we would mitigate that individual impact.

Additionally, people who were outside of the grant-making process, if they wanted to challenge one of the recipients—the applicants, they won't be individual people—receiving a grant also wouldn't typically use the accountability processes unless it was about a broader issue into ICANN's accountability and whether ICANN followed its mission, followed its bylaws, and taking all the steps that it took in confirming the decision of the independent grant-making group.

We will get that language correct as we walk through it and we get the proposals out for the bylaws. I think we talked about it a lot during CCWG. I think we have a good collective idea of what it is, even if we're not being as artful as we can in the responses here.

In terms of the budgetary process, I heard Anne suggest that there might be a need to clarify the Empowered Community's role as it relates to the budget language. At this point I think that, from my sense in reading the bylaws, because we have the fraud rejection powers over the different plans, and as noted in the response that this isn't just a legal response. We also coordinated with [inaudible] team on this. But we anticipate that there will be

some place for tracking the budgetary and planning activities around ICANN's [supportive mechanism] within those ICANN budgets. That means that the Empowered Community's role still stays intact as it relates to those plans on the big picture. And I wouldn't want us to go down a path of identifying certain portions of plans that might need special clarification [required] in the bylaws because I think what that does is it puts so many areas of ICANN work into a potential question if they're not specifically carved out.

So, I think with the understanding that there's nothing that touches the Empowered Community's powers as it relates to the plans that ICANN is obligated to consult on, develop, and post and approve. That probably is enough to protect the Empowered Community powers as it relates to that because the more you start trying to get specific and too, "But it doesn't touch this, and it touches that," then you get into the questions of interpretation as to whether or not we specifically wanted to include something else or not.

So, we're comfortable from the ICANN side and if this is something that the group wants to look at more as we're walking down the implementation path as to whether or not anything needs to be more specific.

In the future, about the budgetary or the planning powers that the Empowered Community had, we can look at that then, but I wouldn't suggest that we have anything in here now or in the CCWG's report now regarding clarification of bylaws as it relates to the Empowered Community's powers as to plans because we see those as unchanged.

ERIKA MANN:

Thank you so much, Sam. I believe maybe the most ideal ... Anne I can see you on camera. Hi, hi. No problem. Maybe the most ideal, Sam and everybody, maybe would be to put the question which we have received from the BC, the exchange which we had with ICANN Legal, and our exchange from today if they would put this in a reference for the implementation team.

So, we frame the issue raised. We don't expend the language in the report itself, but we put this in the implementation as an issue which may have to get addressed during the implementation team phase and I believe this would solve the problem.

Emily is writing that she believes we don't currently have language in the final report addressing the Empowered Community.

Okay. I thought we had ... Maybe we only had debated it, but we never put in something in writing. Thank you so much for clarifying this. So, my idea would be we put this on record the question, the exchange with legal, and the clarification concerning the topics we had today and I think this should be then fine for the implementation to review and to have a basic understanding.

Let me check if somebody wants to make a comment. Alan, is this a new hand? And Anne.

ALAN GREENBERG:

Yes, it is a new hand for me. Two comments. Number one, I don't think we must mention the Empowered Community in our report. However, since some people will no doubt read it and presume we

are completely ignorant of the process of changing bylaws, and aren't aware that the Empowered Community will have to get involved, I think it would be wise for us to mention it just to make it clear that, yes, we understand what we are doing. We're not bumbling. That's number one. Now I forgot the second item.

ERIKA MANN: Come back to it later.

ALAN GREENBERG: Come back to me after Anne. I may have remembered it.

ERIKA MANN: Yeah, yeah. Absolutely. Would you be okay that we would put this in the guidelines for the implementation team?

ALAN GREENBERG: Yeah, I just think mentioning the Empowered Community is wise because otherwise someone is going to assume we didn't know what we are doing. So, mentioning we understand the Empowered Community will have to act to change a fundamental bylaw is not a bad—

ERIKA MANN: I totally agree. Thank you so much Alan. Anne please.

ANNE AIKMAN-SCALESE: Yeah Erika, I agree with Alan. And I think though what we would want to limit what's in the implementation guidance to the second question because I think, as we all agreed, the first question is not actually correctly formulated because it talks about allocation and it talks about Board decisions. And I think really we should only be referencing the second question and the response from legal.

I was curious about what Sam was talking about, what she sees as the danger of just clarifying in the report that the EC powers, [over] budget or not, would not be affected by the fundamental bylaws change. What was the danger that was seen by ICANN Legal in connection with just restating that?

ERIKA MANN: We can ask Sam immediately, but I would assume ... Sam why don't you reply to it yourself? Sam, are you able to reply?

SAM EISNER: Sure. Thanks, Anne. I was really addressing, in terms of what we might put into the bylaws or not, that we wouldn't want to make any [pronouncement] in the bylaws about where the Empowered Community's powers as it relates to the budget are limited or not.

ANNE AIKMAN-SCALESE: Oh, oh okay. Yeah.

SAM EISNER: I fully agree with how Alan stated it, that it might make sense for us to recognize in the report that we know that there's this

accountability mechanism called the Empowered Community and identify in the report where we are intending or not intending to impact their powers or that there might be additional mechanisms that they have to follow such as in the bylaws approval process. Or that we also intend this to not impact the Empowered Community's budgetary processes but that I wouldn't want to see it represented in the bylaws so that we don't start getting into a point of having little details about things inserted into the bylaws that could really create interpretation issues later.

ANNE AIKMAN-SCALESE: Oh okay. I'm sorry. Follow-up really quick, Erika if I may.

ERIKA MANN: Absolutely, [just go].

ANNE AIKMAN-SCALESE: Okay. And I had misunderstood because I thought that Sam was saying that we shouldn't put that clarification in the report. And I completely agree with her that there's no reference like that that belongs in the bylaws amendments at all. But I think a proposal we had was that it could be clarified in the report itself. And I'd be happy to work on some language with the understanding that ... Sam is very rightly, I think, concerned that we wouldn't ever put that in bylaws language. Yeah. Thanks.

ERIKA MANN: Thank you so much. Nothing in the comment I can see. Alan, please. You found your second item? Alan, you had a second topic you wanted to talk about.

ALAN GREENBERG: Sorry, I was muted again. I wanted to suggest that if we want to make it exceedingly clear, we can put a statement in the report that, for instance, if the Empowered Community felt in any given year that the [tranche] allocated to the Auction Proceeds by the Board in its budget decision was either too large or too small, that would still be subject to Empowered Community action. So, perhaps we should give an example that directly relates to the Board's action in budgets related to the Auction Proceeds and point out that despite the bylaw change, the Board would still be liable to Empowered Community action on its decisions regarding the overall budget of the Auction Proceeds. If we want to make it really clear. Thank you.

ERIKA MANN: Thank you, Alan. That's an interesting point. I would be a little bit concerned about this because we haven't debated and, if my memory is correct, we haven't addressed a process where annual budgets will have to get ... So annual budget transferred to the Auction Proceeds would have to get approval from the Board and then, in this case, if the empowered ... You are saying now that in addition one could add the further language which would clarify that the Empowered Community in such a case, if they wouldn't feel confident with it, could intervene.

I wonder if this wouldn't then disturb the whole process for the Auction Proceeds because if you each time have a discussion about ... First, a discussion how the Board will approve the annual transfer—we haven't even discussed there would be an annual transfer. I might be wrong, but that's my memory. And then second, you would have a negotiation with the Empowered Community.

I'm wondering if we're not making it too complicated. But that's just my feeling. Maybe we should really just put all of these items on record and leave it for the implementation team because I feel once this mechanism starts, they should have to write, depending on the [inaudible] out and the project proposals they receive, maybe to make a judgement to say, "This year we want to use \$20 million because it seems reasonable. Another year we want to use \$50 million or \$10 million." And depending on the justification for this, I would assume the Board would say, "Go ahead."

I'm not sure if we need the Empowered Community then again involved. Maybe I'm wrong. Alan, go ahead and then I take Anne.

ALAN GREENBERG:

Yeah, please. I was just suggesting that we could put that into comfort people that the Empowered Community still has budget authority. Clearly, in my mind, unless I'm missing something, the only way to get money into the Auction Proceeds is for a line item in the budget or an exceptional budget adjustment to transfer money from the auction reserve into the operational budget. That's the tranches we have talked about that the Board will

approve. It will presumably not be some major Board action but simply part of the overall budget approval.

And, yes, certainly every year they're likely to have a discussion on how big should it be this year based on how well is it going, are we using the money well, whatever.

So, I was just pointing out that the only way to move money into the Auction Proceeds Program operationally is through the budget and the Empowered Community will still have authority over that.

I wasn't debating how the Board comes to that decision or whether it involves the community. Again, it would be in a draft budget. The community can comment.

I don't think we're talking about anything exceptional here. I was just trying to give a little level of comfort for those who felt uneasy. Thank you.

ERIKA MANN: Good point, Alan. Thanks so much. Anne, please.

ANNE AIKMAN-SCALESE: Yeah, thanks Erika. I think actually there's more agreement here than this agreement and so I've suggested some language for the report in the chat that would be really simple, subject to Sam's comments. If we could simply refer to that question—the second one—in the implementation part. But in our recommendations, we would add this language after the recommendation to do a bylaws amendment.

We would just say, “For the sake of clarity, the recommended bylaws amendment is not intended to affect the powers of the EC over the overall budget as expressed in the current bylaws.” Because you can actually deal with what we’re really talking about just with one little sentence like that. Thank you.

ERIKA MANN:

Thank you so much, Anne. Yep. I agree. This would solve the problem of the BC [inaudible]. I do agree. And then we would still put the discussion we had and the question we had as a reference in the guidelines for the implementation team. I totally agree.

Would this be something everybody feel comfortable with? Yeah? I don’t see hands raised. Let me check the chatroom quickly. Nope. So, I believe we have an understanding here.

Emily, is this clear for you for what we have to do next and how to frame it?

EMILY BARABAS:

Hi, Erika. Yeah, I think we have some direction on the path forward and we can propose some language for everyone to review as part of the draft revision. And then if necessary, we can do some additional revision on that.

ERIKA MANN:

Yeah. I would do an additional revision. I would take the point, the language Anne was proposing for in the report, and then we would have a reference in the implementation guidelines. We can review

this and we can put this forward by email to the team so that everybody can see how we believe we should frame this topic.

EMILY BARABAS: Okay. I think that addresses then also the IPC comment that we were reviewing previously.

ERIKA MANN: All right.

EMILY BARABAS: And so, I'll bring back the public comments here.

ERIKA MANN: Go back. Yep. Just go back so that we can clarify.

EMILY BARABAS: Yep. So, this was the comment from IPC that's basically echoing the comments that we were discussing from the BC regarding the Empowered Community. So, I guess then, since we have direction on that, we can move on to comment #3?

ERIKA MANN: Yes, just let me check quickly the chatroom. There's still one exchange concerning this item. So, Sam is making a point: "We probably want to make it a bit broader to reflect that the EC powers are broader than just over the budget. But I think that your language is a good starting point." Yeah, which reflects that we

will clarify this item and send it based on the language we received from recommendation from Anne. The comment now from Sam: "We will prepare a proposal." And Anne is confirming this. Yeah. I think we have an understanding here and we can move forward. Thank you so much, Emily.

EMILY BARABAS:

Thanks, Erika. The comment #3 was from the ALAC. And this was just a general statement that the ALAC is appreciating the opportunity to comment and a short summary that they discussed these issues and put forward guidance in the other responses to the questions. So, I think no additional action is needed here as recommended by the leadership team. Unless there are comments on that, I think we can move forward to the next comment.

ERIKA MANN:

Thank you so much, Emily. No comments I believe. That's so clear we don't have to discuss it but let me check. Nothing in the chatroom neither, so let's move forward. Back to you, Emily.

EMILY BARABAS:

Thanks, Erika. Comment #4 was from the ICANN Board. It says, "The ICANN Board welcomes the proposed final report." Congratulations and commends the CCWG members and chairs. Appreciates the continued collaborative approach adopted by the CCWG and welcomes the opportunity to participate in the public comments. The Board says that this review is not exhaustive but is intended to provide some key considerations from the Board for

the CCWG's review and also the liaisons are available to discuss these items. So, again, sort of an introductory comment that the Leadership Team believes needs no additional discussion.

ERIKA MANN:

Thank you so much. Just a general for the Board liaison members on this call, we appreciated your collaboration too. And I think we had a good way in incorporating and then working together. So, thank you so much for this comment. Next item, please, Emily.

EMILY BARABAS:

Comment #5 is from the SSAC. The core of the comment is the recommendation that the SSAC has provided. Recommendation #1 states: "The SSAC recommends that following the completion and submission of the CCWG's report, the next step in the process be to have an outside expert with demonstrated track record in designing funding programs review the report, comment on its findings and recommendations, and use it as a basis to inform the Board on the design of the grant-making process for the Auction Proceeds that implements grant-making best practices."

And the leadership recommendation there is a suggestion to modify what the SSAC has recommended essentially to include in the report that the implementation team should feel encouraged to work with experts in setting up the first phase of the project if needed.

ERIKA MANN: Thank you so much, Emily. Yeah, we felt a recommendation from the SSAC a bit too complex and too complicated. We have spent so much time on it and it's true, we haven't designed a concrete project program [on the face] but this is, to a large degree, something they based on the final mechanism selected which truly the implementation team should do. If they would want to reach out to experts, they certainly should be free to feel encouraged to do this.

So, just want to hear from you that you will feel fine with this language. I already see Anne is supporting this idea. Let me go and somebody wants to make a comment. Alan, please.

ALAN GREENBERG: Yeah, thank you. We had a long discussion at the last meeting about what in that comment was called a feasibility study. And I think we changed the words to something else but this really is in the same direction and just—

ERIKA MANN: Alan, you are lost.

ALAN GREENBERG: Can you not hear me?

ERIKA MANN: Yes. Now we can. Yes.

ALAN GREENBERG: I don't know what's going on. We had a long discussion last time about what was called a feasibility study and I think we changed the words to something else and put in words saying the Board should consider doing one or something like that. I don't remember the exact wording, but I think this is in the same gist as that is. That is, if necessary, we should get profession help when doing this.

ERIKA MANN: Correct. I believe we had selected the word "assessment" instead of "feasibility" but we can check this certainly. It's a little bit different, but it's the same [inaudible]. You're absolutely right. So, do you feel comfortable with the recommendation from the leadership team? Alan, maybe you are talking, but you are on mute.

ALAN GREENBERG: Sorry. I hadn't realized you were asking me that question. I'm happy with the wording. I was just pointing out it was similar to the one to the previous discussion.

ERIKA MANN: Yeah. Thank you so much, Alan. I just wanted to be sure that I understood you correct. We have confirmation from [Carolina, Yurid], and I already mentioned nobody else is raising their hand. Let me check again. So, I believe we have an understanding here, Emily, and we can move forward based on the recommendation the leadership team was making.

EMILY BARABAS: Thanks, Erika. There's just one final comment. Comment #6 from the NCSG, and as Alan notes, it's another polite intro to a comment, so we don't need to go through the details and I think no further action is required there as well.

So that's the end of the comment review. I don't know if there's any wrap-up to the comment review that you want to do Erika before we take AOB and just very briefly go over the timeline.

ERIKA MANN: I don't think that we need to do this. Let's prepare the final report and then we will have another phase for this team to review it, and if there's some item which I'm not totally clear, we can then at this phase then come back to it. Just let's do a review of the timeline please. Emily, are you still there?

EMILY BARABAS: Hi, Erika. I apologize I was muted. Yep, just one moment. I'll pull that up.

ERIKA MANN: Sure. Take your time. I'm just concerning [obviously] that the connection is breaking up on my end too.

EMILY BARABAS: Okay. This is a draft timeline. It's the same as we've been reviewing, so this is just as a reminder that the goal is to finalize

the report for submission to the chartering organizations in May. And between now and then, the objective is to get draft revisions to the report to the CCWG drafted by the Leadership Team. Ideally results over email were possible, but another meeting is possible if that's necessary. And to conduct in April around the 22nd the survey to make sure that there is support for the recommendations regarding the different mechanisms and that will wrap up the work and the chairs will be able to confirm the results of the survey at the consensus call. Erika, I'll pass it back to you. Thanks.

ERIKA MANN:

Thank you so much. I believe we have discussed the timeline, too, there's no changes to what we discussed. But I just want to see if you believe that's feasible concerning all the constraints we are experience right now. So please, just let us know if we can continue working on the basis of the timeline. Just checking the chatroom. Okay. We are fine Emily. Nobody is raising their hand, nobody is chatting in the chatroom about it, so we should be fine. What is our last item on the agenda?

EMILY BARABAS:

Thanks, Erika. That's actually the end of our agenda, so I think you can wrap up the call at this point.

ERIKA MANN:

Wonderful. Thank you so much. Thank you so much Emily for all of the support. Okay. With this, have a great day. Stay all safe and stay sane. Don't get too frightened by all the strange things going

on around us and just take care and stay safe. Thank you so much everyone. Back to you Julie.

JULIE BISLAND: Thank you, Erika. And everyone thanks for joining. This meeting is adjourned.

[END OF TRANSCRIPTION]