

Begin forwarded message:

**From:** Xavier Calvez <[xavier.calvez@icann.org](mailto:xavier.calvez@icann.org)>

**Date:** August 11, 2023 at 4:22:52 PM PDT

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**Cc:** Tripti Sinha <[tripti.sinha@board.icann.org](mailto:tripti.sinha@board.icann.org)>, Maarten Botterman <[maarten.botterman@board.icann.org](mailto:maarten.botterman@board.icann.org)>, Sally Costerton <[sally.costerton@icann.org](mailto:sally.costerton@icann.org)>, David Olive <[david.olive@icann.org](mailto:david.olive@icann.org)>, Giovanni Seppia <[giovanni.seppia@icann.org](mailto:giovanni.seppia@icann.org)>

**Subject:** Update on the Grant Program Implementation

Dear SO/AC Chairs,

I am contacting you in your capacity as Chairs of the Chartering Organizations of the Cross-Community Working Group on Auction Proceeds (CCWG-AP). After the CCWG-AP concluded its work in 2020, each Chartering Organization approved the report before it was provided to the ICANN Board for consideration. As you may have seen in blog posts and community sessions, the ICANN Board adopted the CCWG-AP recommendations, and ICANN org is working toward implementation. Attached you will find an update that I sent to the former members of the CCWG-AP (as appointed by your organizations).

Last month, the ICANN Board Chair also sent an email to the former members of the CCWG-AP to inform them of the Board's intention to direct ICANN org to change the implementation path of the CCWG-AP's Recommendation 7, which was focused on limiting the use of ICANN's accountability mechanisms to challenge individual application decisions made by the independent assessment panel. As part of its recommendation, the CCWG-AP included that this limitation should be achieved through changing the ICANN Bylaws on the Reconsideration Request and Independent Review Processes to specify this carve out. Instead of touching ICANN's core accountability mechanisms in the Bylaws, the ICANN Board intends to now direct ICANN org to achieve this recommendation through the applicant terms and conditions that grant applicants will agree to when submitting their grant application. More information can be found in the attached email.

Because the Board is looking to direct ICANN org to implement the CCWG-AP's recommendation to limit access to ICANN's accountability mechanisms in a different manner than the CCWG-AP contemplated, the Board agreed it was important to give advance notice to those who formed that recommendation. At the same time, acknowledging that the chartering organizations approved the CCWG-AP Final Report and its recommendations, we are also providing this information directly to the Chartering Organizations. In addition, we will make sure that an email exchange with one of the former CCWG-AP members in response to the Chair's email is

moved to a publicly archived mailing list so that there is a transparent record of these communications. A copy of that exchange is also provided for your reference.

The Board recognizes the significance of its forthcoming action - both in terms of maintaining the community working group's recommendation to limit access to ICANN's accountability mechanisms and in identifying a new, limited path forward to doing so that does not involve changes to these most fundamental of ICANN Bylaws. When taken, the Board's resolution will be accompanied by a detailed rationale acknowledging the uniqueness of this situation along with the Board's acknowledgement that contracts should only be considered as tools for limiting the use of ICANN's accountability mechanism when the community has recommended that access to accountability mechanisms be limited in specific circumstances.

The ICANN org team looks forward to providing further public updates on the progress of the ICANN Grant Program across various communication avenues. The creation of the former CCWG-AP members list is one of them, as is this email to you. Recognizing that the former members of the CCWG-AP now act in their individual capacity, please let us know if you are comfortable in having them engage in this conversation or whether it should be held differently.

Please let me know any question you may have.

Kind regards,

Xavier

In copy:

Tripti Sinha, ICANN Board chair

Maarten Botterman, ICANN Board member, chair of the Board Caucus on the Grant Program

Sally Costerton, ICANN President and CEO

David Olive, SVP Policy Development and Support

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