

Proposed Update to Recommendation 7 by the New gTLD Auction Proceeds Cross-Community Working Group (CCWG-AP)

Date: 14 May 2024

To: Tripti Sinha, Chair ICANN Board of Directors

CC: Katrina Sataki & Patricio Poblete, ccNSO Appointed members of the Board

Dear Tripti

Thank you for your letter dated 2 March 2024 on the amendment of recommendation 7 by the CCWG-Auction Proceeds and the proposed Bylaws amendment to set out the process through which the ICANN community can limit access to ICANN's Reconsideration Request and Independent Review Processes in specific circumstances and in a streamlined manner.

The ccNSO Council supports the first request and its rationale to amend recommendation 7 by the CCWG Auction Proceeds to strike and remove the phrase ***"from the Independent Project Applications Evaluation Panel"*** from the text of the recommendation.

With respect to the second request - to approve the Bylaws Amendments to Article 4, Section 4.1 of the ICANN Bylaws - the ccNSO Council acknowledges that in general changes to the Bylaws and specifically Fundamental Bylaw changes are cumbersome at best and should not be suggested lightly. However, we believe that the proposed mechanism to mitigate these effects is too broad, and limits the safeguards and thresholds for introducing new Bylaw changes in the future. These safeguards are an essential part of ICANN's accountability mechanisms.

We recognize that to implement the amended recommendation 7 of the CCWG- Auction Proceeds, a Bylaw change is needed. We therefore would support a Bylaw amendment that is focused on limiting access to the Accountability Mechanisms by excluding all claims and disputes relating to decisions made as part of ICANN's Grant Program.

On behalf of the ccNSO Council, kind regards,

Alejandra Reynoso

Chair of the ccNSO Council