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ICANN79 GAC and ALAC Joint Session
3 March 2024

Discussion on Applicant Support for the New gTLD Program: Next Round

Session Agenda

1. Applicant Support Discussion

◉ The Applicant Support Program, revisiting 2012 round challenges, Summary of GAC Positions
 Rosalind Kennybirch, UK & Tracy Hackshaw, UPU

◉ Addressing challenges by components - high level
Rosalind Kennybirch, UK

◉ Examining available components - highlights
Justine Chew, ALAC & Tracy Hackshaw, UPU

◉ Reviewing pending component - SubPro Supplemental Recommendation 17.2
Greg Shatan, NARALO Chair

◉ Summary of ALAC Positions
Justine Chew ALAC

◉ Immediate & Next Steps
Justine Chew ALAC & Rosalind Kennybirch, UK

2. Q&A

The Applicant Support Program (ASP)

- An initiative developed as part of ICANN's New Generic Top-Level Domain (gTLD) Program
    - First launched in the 2012 Round of New gTLD Program

- Intended to address the goal of fostering diversity, encouraging competition and enhancing utility of the Domain Name System (DNS)

- Was meant to provide financial and non-financial support for eligible entities that demonstrate financial need, via:
    - gTLD application fee reduction
    - Pro-bono non-financial assistance

Applicant Support Main Challenges from 2012 Round

- Low awareness – late, insufficient communications
  - Lack of applicants – only 3

- High barriers to entry
  - Program intention lost

- Emphasis on financial support, less on non-financial support
  - USD 2mil fund for application fee reduction only helped 1 applicant
  - Pro-bono services – applicants needed to discover for themselves

- Support Evaluation Review Panel (SARP)
  - 5 individual persons drawn from EOI call

Summary of GAC Positions

- ICANN67 GAC Communique Issues of Importance 2
  - Expand, improve outreach to underserved regions; Global South needs a more comprehensive approach and better targeting
  - Identify 'underserved' and 'underrepresented' regions with context
  - Provide regional targeted capacity building efforts [via] ASP for new gTLD applications

- ICANN70 GAC Communique Issues of Importance 4
  - Foster gTLD applications from a diverse array of application from all regions; increase number and geographical distribution from underrepresented regions through ASP
  - Reduce or eliminate ongoing ICANN registry fees to expand financial support

- ICANN76 Cancun Communique Issues of Importance 1
  - Reaffirms importance of increasing number and geographic distribution of applications from underrepresented regions through ASP
  - Reiterates support for reduction or elimination of ongoing ICANN registry fees to expand financial support, in order to sufficiently cover all applications
  - Stresses importance to raise awareness of ASP – comprehensive information and sufficient time to prepare for applicants

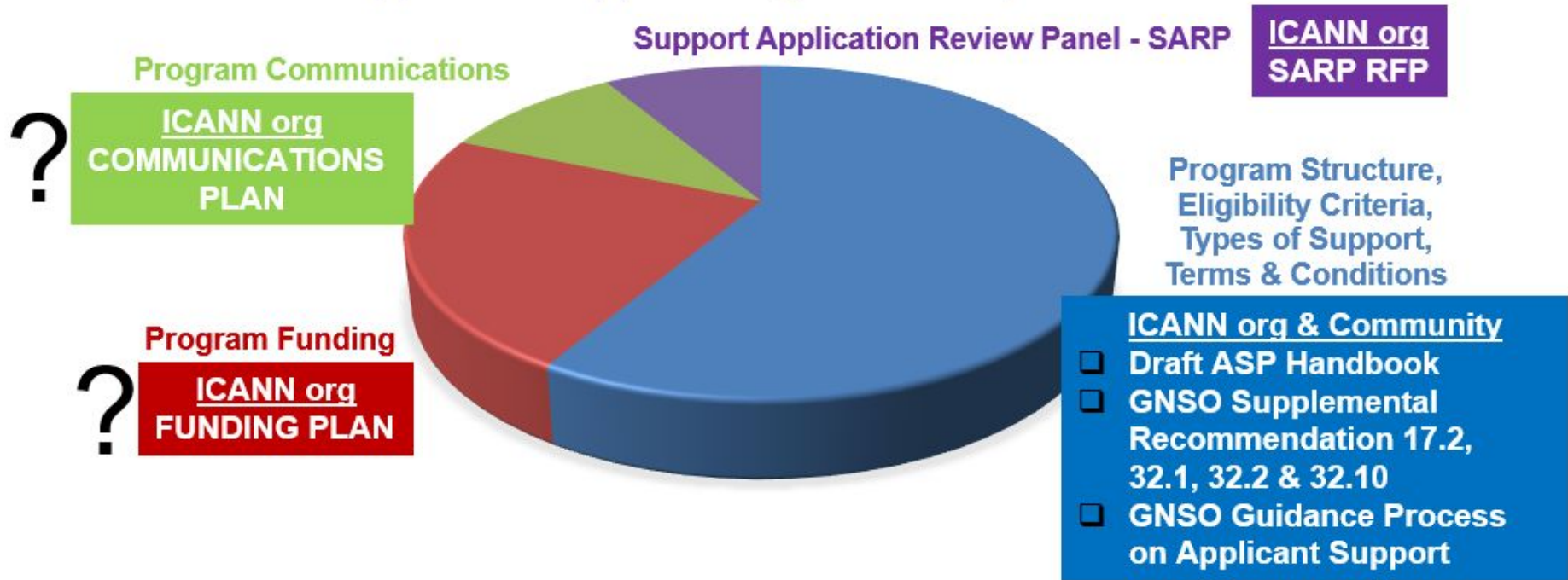# Summary of GAC Positions (cont'd)

- ICANN77 Washington DC Communique Consensus Advice 3
  - ICANN to specify plans related to expansion of financial support, engage with actors in underrepresented or underserved regions to inform GAC deliberations
  - ICANN to take steps to substantially reduce or eliminate application fees and ongoing ICANN registry fees to expand financial support for applicants from underrepresented or underserved regions
  - ICANN to take timely steps to ensure increased engagement with a diverse array of people and organizations in underrepresented or underserved markets and regions, incl.
    - Raising awareness of ASP
    - Providing training and assistance to potential applicants
    - Exploring potential to support provision of back-end services
    - Provide adequate funding for ASP consistent with diversification targets

Summary of GAC Positions (cont'd)

- ICANN78 Hamburg Communique Issue of Importance 2
  - ASP is core to success of Next Round, recalling original rationale to launch new round was to encourage further geographic diversification of applications for gTLDs
  - Applicant support identified as key topic of importance, particularly for underrepresented and underserved regions
  - ICANN needs to effectively communicate with GAC members about ASP, to support awareness raising efforts in member countries – important to use local languages
  - Support should extend beyond applicant fee reduction, to include provision of training, technical and legal assistance to potential applicants – training to be commenced at earliest opportunity
  - Support for ALAC's proposal to address SubPro Recommendation 17.2 by taking a "holistic approach to providing applicant support services" and utilizing an ASP incubator

Addressing Main Challenges for the Next Round

Applicant Support Program "Components"

Program Communications
ICANN org COMMUNICATIONS PLAN

Program Funding
ICANN org FUNDING PLAN

Support Application Review Panel - SARP
ICANN org SARP RFP

Program Structure, Eligibility Criteria, Types of Support, Terms & Conditions

ICANN org & Community
- Draft ASP Handbook
- GNSO Supplemental Recommendation 17.2, 32.1, 32.2 & 32.10
- GNSO Guidance Process on Applicant Support

Draft ASP Handbook as at 12 Feb 2024

◉ Incomplete draft out for public comment 12 Feb – 2 Apr 2024

- ○ Incomplete because of:
  - ▪ Dependency on Applicant Guidebook Topic
  - ▪ Sections still under development by ICANN org's ASP Team
  - ▪ Other external dependencies

▪ Even so, available parts of the Handbook require input:

- ○ **Program Structure**: *Timeline, Evaluation Phases & Categories* – do these make sense?
- ○ **Eligibility Criteria** – are these inclusive enough, and do not present deterrence?
- ○ **Application Changes** – do these make sense?
- ○ **Application Evaluation** – do these make sense?

Draft ASP Handbook – Key General Updates

- Application for ASP status separated from New gTLD application process

- Application for ASP targeted for 12 months from Q4 2024 to Q4 2025, precedes opening of gTLD application window by 6 months (current target: Q2 2026)

- Results of an ASP application expected within 12-16 weeks of submission

- In event ASP applicant constrained to pay full gTLD application fees due to timing reason, and subsequently qualifies for ASP status, then will get reimbursement

- ASP status is tied to applicant (not gTLD string) with financial benefits applicable to only one gTLD application

- Support applicant required to submit USD2,500 deposit on their gTLD application within 90 days of receiving positive ASP evaluation results – to confirm ability to receive gTLD fee reductions

Draft ASP Handbook – Key General Updates (Cont'd)

- Third party vendor to establish Support Applicant Review Panels (SARP) comprising relevant experts to conduct the 4 categories of Phase 2 evaluations

- If do not qualify for ASP, can submit a gTLD application by paying full gTLD application fee and any applicable evaluation fees.

- Applicant may change application – if material, via Application Change Request process. Cannot re-apply.

- Evaluations will be on pass/fail basis

- One-time, limited challenge to evaluation result (subject to Supplemental Recommendations 32.1, 32.2 & 32.10)

Draft ASP Handbook – Evaluation Phases, Eligibility

- 2 Evaluation Phases & 5 Evaluation Categories

  - Phase 1 – need pass to proceed to Phase 2
    - **General Business Due Diligence**

  - Phase 2 – Need to pass each category to be successful
    - **Public Responsibility Due Diligence**:
    - **Financial Need**
    - **Financial Stability**
    - **Eligible Entities – criterion, indicators, documentary requirements**
      1. Non-profits, charities, or equivalent
      2. Intergovernmental organizations
      3. Indigenous/tribal people's organizations
      4. Social Impact or Public benefit micro or small business
      5. Micro or small sized business from a less-developed economy

Eligibility Criteria Example – Draft ASP Handbook, section 5.5.2

◉ Category: **Intergovernmental organization**

◉ Criterion: Entity applying is an IGO

◉ Indicators: IGO defined as:
  ○ (i) an 'intergovernmental organization' having received a standing invitation, which remains in effect, to participate as an observer in the sessions and the work of the UNGA; or
  ○ (ii) a Specialized Agency or distinct entity, organ or program of the UN [10, 11]

◉ Question/document:
  ○ Document required to indicate entity applying is an IGO per indicators above

10 A visual depiction of the United Nations system is available here, including its Specialized Agencies and various programs: https://www.un.org/en/pdfs/un system chart.pdf

11 See: Final Report of the Expedited Policy Development Process on Specific Curative Rights Protections for International Governmental Organizations (IGOs): https://itp.cdn.icann.org/en/files/generic-names-supporting-organization-council-gnso-council/epdp-sp ecific-crp-igo-final-report-02-04-2022-en.pdf

Draft ASP Handbook – Types of Support

- ◉ Both financial and non-financial
  - ○ ASP training program (subject to Supplemental Recommendation 17.2)
  - ○ Access to pro-bono services providers, independent from / not endorsed or contracted by ICANN org
    - ▪ ICANN org to play facilitative role, making applicants aware of services
    - ▪ ICANN org to identify service providers who have volunteered services
  - ○ Resources and info for potential applicants to understand New gTLD Program, what it means to operate a gTLD, how to participate in ICANN's multistakeholder community
  - ○ Access to Application Counselors (subject to Supplemental Recommendation 17.2)
  - $$ ○ A 50-85% reduction in New gTLD Program application and evaluation fees for supported applicants
  - $$ ○ A bid credit or multiplier for supported applicants participating in ICANN Auction of Last Resort to resolve contention set.
  - $$ ○ Reduced or waived base Registry Operator fees for supported applicant that prevails and proceeds to contracting and delegation (subject to Supplemental Recommendation 17.2)

*GNSO Supplemental Recommendation 17.2

Board Concern

◉ The open-ended nature of fees which may be affirmative payments of costs beyond application fees, which could raise fiduciary concerns for the Board.

Supplemental Recommendation Highlights

◉ Substituted specific reference to "application writing fees and attorney fees" for a much broader reference to an "array of resources useful for the capacity building, planning, application, evaluation, pre-delegation and post-delegation phases of the lifecycle of the application."

◉ Included a reference to community suggestions for the implementation of the recommendation.

*GNSO Supplemental Recommendation 17.2

Supplemental Recommendation 17.2: ~~The Working Group~~ **The GNSO Council** recommends expanding the scope of **Applicant Support** ~~financial support~~ provided to Applicant Support Program beneficiaries beyond the application fee to **provide access to an array of resources useful for the capacity building, planning, application, evaluation, pre-delegation and post-delegation phases of the lifecycle of the application. For the avoidance of doubt, this recommendation does not obligate ICANN to provide support for all phases of the lifecycle of the application process as well as the registry.** ~~also cover costs such as application writing fees and attorney fees related to the application process.~~

Community suggestions for implementation of supplemental recommendation 17.2: Below are some suggestions from the community which Council believes should be considered for possible implementation:
https://docs.google.com/document/d/1O9Kn0sTNB83wuYZC-xaD2WMW52x5fUYOWH_EmF6KWjA/edit

*ALAC Proposal for Rec 17.2 implementation

- To meet intended purpose, ASP has to be:
  - Well funded – USD 2 mil insufficient
  - **Holistic in approach**, aside from Financial Support, need:

    - Non-Financial Support – pro-bono services in wide range of required services through various phases of application process lifecycle
      - Similar to "incubator" in concept: training/mentorship, targeted support

    - "*Not just about getting them through the door, but also guiding them towards success (delegation), and supporting them beyond delegation (if needed)*"
  - Accessible, aside from Financial Support, need:

    - Non-Financial Support that is regional, non-inhibitive, meets applicant needs

  Download ALAC's Proposal at: https://atlarge.icann.org/advice_statements/13903

Summary of ALAC Positions

◉ Re-focus on intended purpose of ASP

◉ Diversification of applicant pool, target underserved, unrepresented regions / communities

◉ Increase in number of applicants & supported applicants - metrics for ASP success

◉ Lower barriers to entry

◉ Holistic approach to support provided – both financial and non-financial

   ○ Financial – ensure sufficient ASP Fund to support enlarged applicant numbers

   ○ Non-financial – accessible, regionally spread, meets needs, non-inhibitive

◉ Awareness – Communications Plan, to open for Community input and participation

◉ Funding – Funding Plan, to update Community on progress

Discussion of Immediate vs Next Steps

◉ Participation in:

  ○ Public Comment: Review of Draft ASP Handbook – New gTLD Program, 12 Feb – 2 Apr 2024

  ○ ICANN79: GNSO SubPro Supplemental Recommendations Community Consultation, 6 Mar 2024, 14:30 UTC / 10:30 AST in 104 ABC (GNSO) – incl. ASP Rec 17.2

◉ Possible cross-endorsement of GAC and ALAC comments for the public comment?

◉ Possible joint GAC and ALAC letter to the ICANN Board?

Thank you for your engagement.

Questions?