

GNSO Council Recommendations Report to the ICANN Board - Regarding Adoption of the Final Guidance Recommendations from the GNSO Guidance Process (GGP) for Applicant Support

18 January 2024

Status of This Document

This is the GNSO Council Recommendations Report to the ICANN Board following the GNSO Council's approval of the final guidance recommendations of the GNSO Guidance Process (GGP) for Applicant Support.

Table of Contents

TABLE OF CONTENTS	2
1. EXECUTIVE SUMMARY	3
2. GNSO VOTE	4
3. ANALYSIS OF AFFECTED PARTIES	4
4. PERIOD OF TIME NEEDED TO IMPLEMENT RECOMMENDATIONS	5
5. EXTERNAL ADVICE (IF ANY)	6
6. FINAL REPORT SUBMISSION	7
7. COUNCIL DELIBERATIONS	7
8. CONSULTATIONS UNDERTAKEN	7
9. SUMMARY AND ANALYSIS OF PUBLIC COMMENT FORUM	7
10. IMPACT/IMPLEMENTATION CONSIDERATIONS FROM ICANN STAFF	8
ANNEX A: EXTRACT OF SECTION 3 FINAL GUIDANCE RECOMMENDATIONS FROM THE GGP FOR APPLICANT SUPPORT FINAL REPORT	8

1. Executive Summary

On 22 December 2023, the GNSO Council [voted](#) to approve, by a GNSO Supermajority, all nine (9) final consensus recommendations contained in the [Final Report](#) of the GNSO Guidance Process (GGP) for Applicant Support. This Recommendations Report is being sent to the ICANN Board for its review of the recommendations approved by the GNSO Council, which the GNSO Council recommends be adopted by the ICANN Board. *While the entirety of the Final Report should be taken into account for further details and context as needed, please see Annex A for an extract of the approved recommendations and related rationale.*

During its meeting on 25 August 2022, the GNSO Council [approved](#) the GNSO Guidance Process (GGP) Initiation Request to provide additional guidance to support the eventual implementation efforts relating to the Applicant Support Program, as recommended in the New generic Top-Level Domain (gTLD) Subsequent Procedures (SubPro) Final Report. Note that per the GNSO Guidance Process Manual, the GGP “is not expected to create new “Consensus Policy” recommendations including, but not limited to, any new contractual obligations for contracted parties (in which case a Policy Development Process (PDP) would need to be initiated). However, the GGP may provide interpretation or assist in providing clarity with regards to the implementation of GNSO policy recommendations.”

The working group (hereinafter the “GGP Team”) was subsequently formed and began its work in November 2022, following its [work plan and timeline](#). Its tasks included reviewing historical information about applicant support, identifying subject matter experts, developing data and measures of success, and suggesting a methodology for allocating financial support where there is inadequate funding for all qualified applicants. See below.

The GGP Team completed the following tasks and posted its [Guidance Recommendation Initial Report](#) for [Public Comment](#). The GGP Team deliberated as appropriate to properly evaluate and address comments received during the public comment period. Following the review of the comments received and additional deliberations, the Team produced its GGP for Applicant Support Guidance Recommendation Final Report for transmission to the GNSO Council. The Final Report provides recommendations relating to the following tasks, including identification and prioritization of metrics, including indicators of success and those relating to financing the program when qualified applicants exceed allocated funds.

Task 1 – *Review the 2011 Final Report of the Joint Applicant Support Working Group and the 2012 implementation of the Applicant Support program in detail, to serve as resources for other Applicant Support related questions/tasks.*

Task 2 – *Working with ICANN organization (org) staff as appropriate, identify experts with expertise to aid in Tasks 3, 4, and 5.*

Task 3 – *Analyze the set of suggested metrics in Implementation Guidance 17.9 and propose which ones should be prioritized. The set of prioritized metrics is NOT limited to what is identified in 17.9.*

Task 4 – Identify any other appropriate metrics and measures of success to help in identifying the necessary program elements and measuring program success after the fact. In identifying the suggested set of metrics, propose how data can be collected, how metrics can be measured, who can collect the data, as well as what represents success.

Task 5 – Consider, and to the extent feasible, suggest how the “outreach, education, business case development, and application evaluation” elements of the Applicant Support Program may be impacted by the identified metrics and measures of success. For example, based on the success metrics for Awareness and Education, this may impact the approach for performing outreach and education. To the extent feasible, suggest an approach to outreach, education, business case development, and application evaluation assistance.’

Task 6 -- Recommend a methodology for allocating financial support where there is inadequate funding for all qualified applicants.

The nine (9) policy recommendations attained Full Consensus within the GGP Team and are intended to be interdependent (as described in Section 13 of the GNSO’s PDP Manual).¹ Under the ICANN Bylaws, a Supermajority vote by the GNSO Council for the policy recommendations obligates the Board to adopt the recommendations unless, by a vote of more than two-thirds, the Board determines that the policy is not in the best interests of the ICANN community or ICANN. In this case, the GNSO Council approved all 9 recommendations, exceeding the Supermajority threshold.

2. GNSO Vote

If a successful GNSO Vote was not reached, a clear statement of all positions held by Council members. Each statement should clearly indicate (i) the reasons underlying each position and (ii) the Constituency(ies) or Stakeholder Group(s) that held that position.

The GNSO Council approved the GGP Team’s Final Report, exceeding the Supermajority threshold. The vote results can be found [here](#).

3. Analysis of affected parties

An analysis of how the issue(s) would affect each Constituency or Stakeholder Group, including any financial impact on the Constituency or Stakeholder Group.

The GGP Team’s guidance recommendations build upon the final recommendations of the New gTLD Subsequent Procedures PDP Final Report, specifically [Topic 17: Applicant Support](#), which

¹ See the Policy Development Process Manual at: <https://gns0.icann.org/en/council/annex-2-pdp-manual-15mar23-en.pdf>.

recommend that “ICANN may put in place a fee reduction scheme for gTLD applicants from economies classified by the UN as least developed.” The SubPro Working Group (“Working Group”) recommended, “that as was the case in the 2012 round, fee reduction must be available for select applicants who meet evaluation criteria through the Applicant Support Program. The Working Group further recommended new types of financial support for subsequent procedures that were not part of the Program in 2012, specifically, coverage of additional application fees (see Recommendation 17.2) and a bid credit, multiplier, or other similar mechanism that applies to a bid submitted by an applicant qualified for Applicant Support who participates in an ICANN Auction of Last Resort (see Recommendation 17.15 and Implementation Guidance 17.16 and 17.17). In addition, the Working Group recommended that ICANN facilitate non-financial assistance including the provision of pro-bono assistance to applicants in need. Further, ICANN must conduct outreach and awareness-raising activities during the Communications Period to both potential applicants and prospective pro-bono service providers.²”

Due to the narrow scope of the GGP’s remit – primarily Tasks 3-6 (see above) – the GGP Team’s guidance recommendations are necessarily limited to the subject of those tasks, namely identification and prioritization of metrics, including indicators of success and those relating to financing the program when qualified applicants exceed allocated funds. It follows then that the stakeholders that are most impacted by the GGP Team’s guidance recommendations are those that are subject to the guidance provided in those recommendations, including those who are the target of the Applicant Support Program outreach, who access the Program’s pro bono services, and who receive support (reduction in fees or otherwise) through the Program.

4. Period of time needed to implement recommendations

An analysis of the period of time that would likely be necessary to implement the policy.

As the GGP Team’s guidance recommendations build upon the Applicant Support Program-related recommendations of the New gTLD Subsequent Procedures PDP and are understood to be required for the Next Round of new gTLDs, it appears likely that the implementation of the GGP Team’s guidance recommendations will at a minimum need to be coordinated with the Next Round implementation. Therefore, in respect to timing, the GNSO Council assumes that implementation will be intertwined with the Next Round implementation.

Although the [Implementation Review Team \(IRT\) for SubPro](#) already kicked off its [Sub-Track on Applicant Support](#) on 30 November 2023, there are some timeline aspects to be considered in the implementation of the Applicant Support Program (ASP).

² In the 2012 round, the pro-bono assistance program was implemented through the Applicant Support Directory: <https://newgtlds.icann.org/en/applicants/candidate-support/non-financial-support>

Key milestones will include: the publication of the Final ASP Handbook; initiating the Communications and Outreach efforts; the opening of the ASP Application Submissions period; and ICANN org’s post-delegation assessment (based on GGP Final Report Guidance Recommendation 6: “ICANN org to investigate the extent to which supported applicants that were awarded a gTLD are still in business as a registry operator after three years.”).

According to the latest estimates, ICANN org anticipates publishing the ASP Handbook in Q2 of 2024, followed by initiating the Communications and Outreach efforts. The ASP Application Submissions period is expected to begin in Q4 of 2024. The post-delegation assessment could commence by Q3 of 2030 (Q3 2026 being the proposed milestone for closing the main gTLD application submission period), although this is subject to dependencies that may delay ICANN org’s post-delegation assessment to ensure it is three years post-delegation for all supported applicants. It should be noted that the post-delegation assessment is not a dependency for the other milestones to succeed.

5. External advice (if any)

The advice of any outside advisors relied upon, which should be accompanied by a detailed statement of the advisor’s (i) qualifications and relevant experience; and (ii) potential conflicts of interest.

The GGP Team did not use external advisors to develop its recommendations. However, in accordance with the GNSO Guidance Process Manual, the team sought written input on the appropriate subject matter experts to join the working group from each Supporting Organization, Advisory Committee and GNSO Stakeholder Group / Constituency. The resulting suggestions for subject matter experts joined as members of the GGP Team and in particular the Team’s deliberations on Tasks 3, 4, 5, and 6 relating to metrics and funding.

In addition, to help support a smooth transition from policy development to eventual implementation of GNSO Council-adopted and ICANN Board-approved recommendations, the GGP Team has been supported by early and ongoing engagement with ICANN org subject matter experts. A liaison from ICANN org’s Global Domains and Strategy (GDS) regularly attended working group calls, providing input, and responding to questions where it was possible to do so in real time. The liaison acted as a conduit for GGP Team questions to ICANN org that required additional research or input. The liaison also facilitated early review of GGP Team draft outputs by ICANN org subject matter experts.

6. Final Report Submission

The GGP Team’s Final Guidance Recommendation Report was submitted to the GNSO Council on 11 December 2023 and can be found [here](#). The full text of all consensus recommendations and related rationale are included as Annex A to this Recommendations Report. *The Council reiterates however that the entirety of the Final Report should be taken into account when further details and context are needed.*

7. Council Deliberations

A copy of the minutes of the Council deliberation on the policy issue, including all opinions expressed during such deliberation, accompanied by a description of who expressed such opinions.

The minutes from the GNSO Council’s December 2023 meeting where it received a briefing on and approved all GGP guidance recommendations can be found [here](#). The slides for the briefing on the GGP recommendations from the GNSO Council Liaison can be found [here](#).

8. Consultations undertaken

The GGP team’s consideration of all the input it received is documented on its wiki page, including its use of a Public Comment Review Tool [here](#).

9. Summary and analysis of Public Comment Forum

Summary and analysis of Public Comment Forum.

The GGP Team published its [Guidance Recommendation Initial Report](#) for [Public Comment](#) on 31 July 2023. Per the GNSO Guidance Process Manual³, at the end of the public comment period the GGP Team support staff prepared a summary and analysis of the public comments received for the GGP Team [here](#). As documented in the Final Report, the GGP Team agreed to amend two of its preliminary guidance recommendations as a result of its review of the input it received through the Public Comment Forum.

³ See GNSO Guidance Process Manual at: <https://gns0.icann.org/sites/default/files/file/field-file-attach/annex-5-ggp-manual-15mar23-en.pdf>.

10. Impact/implementation considerations from ICANN staff

As noted in sections 3 and 4 above, there are Board adopted Applicant Support Program-related recommendations in the New gTLD Subsequent Procedures PDP Final Report and are therefore already a part of the Next Round implementation. The GGP Team's nine (9) guidance recommendations are focused on the identification and prioritization of metrics, including indicators of success and those relating to financing the program when qualified applicants exceed allocated funds. The Council understands that the GGP Team's guidance recommendations are considered a dependency for the Next Round of new gTLDs and accordingly, implementation must be managed and timed appropriately by ICANN org. From a practical perspective, it may make sense for the existing ICANN org Next Round implementation team, or some subset of that team, to serve as the resources to implement these GGP Team guidance recommendations.

Annex A: Extract of Section 3 Final Guidance Recommendations from the GGP for Applicant Support Final Report

** Please note, the following text is copy and pasted from the GGP for Applicant Support Final Report and there may be formatting issues present. Please consult the authoritative version [here](#) if any formatting issues arise.*

LIFE CYCLE ELEMENTS:

1. COMMUNICATIONS And OUTREACH/AWARENESS

Guidance Recommendation 1: Increase awareness of the Applicant Support Program of the next round of gTLD applications among those who may need and could qualify for support.

Implementation Guidance: Target potential applicants from the not-for-profit sector, social enterprises and/or community organizations from under-served⁴ and developing regions and countries. This should not exclude any entities from outreach efforts, such as private sector entities from underserved and developing regions and countries, recognizing the goal is to get as many qualifying applicants as possible.

⁴ The working group agreed to cite from the Initial Report the GAC's definition of under-served: <https://gac.icann.org/working-group/gac-working-group-on-underserved-regions-usrwg>, specifically: "An under-served region is defined as one that: Does not have a well developed DNS and/or associated industry or economy..."

Indicators of Success:

Quantitative: Conversion rates proportionate with industry standards for online campaigns and in-person events, with specific metrics and pre-agreed to be determined in consultation with ICANN org Communications and applicable contractor(s).

Qualitative: Survey results about quality and clarity of information that are proportionate with industry standards, with specific metrics to be determined and pre-agreed in consultation with ICANN org Communications and applicable contractor(s).

Data/Metrics to Measure Success: Click-throughs, inquiries, registrations to get more information, etc.

Qualitative Measurements: Results of the surveys about the quality of the information provided – whether the recipient understood the information, made an informed decision to consider pursuing further or walk away.

Rationale for Final Guidance Recommendation:

Per the Initial Report, the working group agreed that a communications program was essential to increase awareness of the Applicant Support Program of the next round of gTLD applications among those who may need and could qualify for support. While the goal discusses prioritizing communications towards certain demographics, this should not be read as completely forgoing communications towards other demographics. The guidance for communications/outreach should also have no bearing on the evaluation process.

Following the public comment review, the working group agreed to compromise language combining suggestions from Com Laude and the Governmental Advisory Committee (GAC) to specifically not exclude private sector entities as a balance to maintain the intent of the original Guidance Recommendation while providing further clarity.

Public Comment Review:

Wording change: The working group extensively discussed the comments--particularly those from Com Laude, the Business Constituency (BC), and the GAC--in support of specifically clarifying that for-profit entities are not excluded from outreach. There was some opposition from working group members to leveraging limited resources for for-profit entities. Some working group members noted that while for-profit entities should not be excluded, given the nature of the program it seemed preferable to emphasize the support for non-profit organizations. In its initial discussions the working group seemed to agree that the comments could be addressed by making it clear that for-profit businesses are not excluded in the recommendation.

With respect to the Non-Commercial Stakeholder Group (NCSG) comment, which was in the category of “Support the Recommendation as Written”, the working group agreed that the design of the surveys might be something that would be eventually addressed during implementation. This could be flagged as an implementation element to the Implementation Review Team (IRT).

At least one working group member supported including some language suggested by Gabriel Karsan (individual), particularly in terms of mentoring and deeper support to new applicants, as that is within the spirit of the program. But there was no agreement to include that language in the guidance recommendation or implementation guidance as it was not clear where it would be appropriate, particularly in the case of “mentoring” as it relates to outreach. Other working group members suggested that it was repetitive. There also were concerns expressed about the term “eligible applicants”, particularly how that would be determined. On the issue of the types of non-monetary support provided, the GNSO Council Liaison to the GGP noted that this aspect of the SubPro recommendations, in particular 17.2, is being addressed by the GNSO Council Small Team on the Non-Adopted Recommendations, and thus is out of scope for the GGP.

The working group noted that the comments from the GAC, Com Laude, and the BC seemed to be thematically related as they are primarily focused on targets of outreach. The GAC suggested adding an element for outreach to include private-sector entities. At least one working group member noted that the BC’s comment potentially changes the intent of the recommendation by suggesting revising it to, “Target ALL potential applicants from diverse organizations from under-served and developing regions and countries.” However, working group members also noted that the Com Laude comment seems to be trying to clarify the intent of the recommendation by saying that the focus of the outreach is not meant to be at the exclusion of certain parties. One working group member emphasized that the guidance recommendation should not give the impression that for-profit applicants need not apply, although others noted that the recommendation should not have any bearing on the application process. Still others raised concerns about limited resources such that outreach must necessarily be limited to not-for-profit entities.

Some working group members noted the concern with domain speculators in the last round. Working group members noted, however, the difference is that the focus is on outreach. Moreover, they emphasized that giving the opportunity to apply in the first place and raise that awareness is different, and the risk is much lower.

In addition, some working group members pointed out that the GAC suggestion would be a compromise because it was not a significant change to the intent of the recommendation. As a further compromise, working group members suggested combining the wording from Com Laude and the GAC to not exclude any entities from outreach efforts, including for-profit organizations, recognizing the goal is to get as many qualifying applicants as possible. The working group agreed to accept the suggestion from Com Laude to include “private-sector entities” from underserved regions in the list of entities that should not be excluded.

2. "BUSINESS CASE" ALSO KNOWN AS APPLICANT UNDERSTANDING AND DETERMINING NEED/OPPORTUNITY AND DEVELOPING APPLICATION

Guidance Recommendation 2: That the Applicant Support Program has cultivated pro bono services as well as ICANN-provided information and services to be available for supported applicants to inform their gTLD applications; that ICANN will communicate the availability of pro bono services and the parameters in which they are offered to potential supported applicants; and that supported applicants report that they found the information and services offered by pro bono providers to be useful.

Indicators of Success:

Quantitative: A majority of Applicant Support Program applicants that access pro bono services indicate moderate to high satisfaction with those pro bono services and information.

Qualitative: A majority of Applicant Support Program applicants that are surveyed about quality and usefulness of services, such as pro bono services, indicate how and why those services were useful to their application.

Data/Metrics to Measure Success: A majority of respondents that are surveyed about pro bono services indicated that the services and information that they received was useful to informing their gTLD application and/or assisting them through the application process.

Rationale for Final Guidance Recommendation:

The working group agreed after reviewing and analyzing the public comments to maintain the guidance recommendation as presented in the Initial Report. As stated in the Initial Report, the working group agreed that both pro bono services as well as ICANN-provided information and services must be made available as key elements of the Applicant Support Program for supported applicants to inform their gTLD applications. The working group also agreed that it was essential for ICANN to communicate the availability of pro bono services and to seek feedback as to whether they are useful. Following the public comment review, the working group also agreed that while ICANN org should not take on a matchmaker or facilitator role between pro bono providers and applicants, it can assist by providing basic information such as the types of services that are provided.

Public Comment Review:

The working group noted that in its comments the Non-Commercial Users Constituency (NCUC) suggests that the GGP should respond to SubPro recommendation 17.2. However, the working

group has consistently agreed that this is out of scope because it is being addressed by the GNSO Council's Small Team on SubPro Non-Adopted Recommendations.

With respect to the comments from the NCSG, pertaining to the last clause of the guidance recommendation being an indicator of success, the GGP support staff noted that the clause, "and that supported applicants report that they found the information and services offered by pro bono providers to be useful" in the usual construction of the recommendations should be understood as a goal, while the indicator of success was, "A majority of Applicant Support Program applicants that access pro bono services indicate moderate to high satisfaction with those pro bono services and information." The representative from the NCSG on the working group agreed and emphasized that the intent of the NCSG comment was to make that clarification.

The working group also noted that the GAC comments emphasized that it would be helpful to clarify that ICANN has a role to facilitate between applicants and pro bono service providers. The working group representative from the GAC clarified that it is suggesting to add an element about recruiting and vetting pro bono providers, that ICANN can play a matchmaker role between the pro bono providers and potential applicants, to demonstrate that ICANN does have a role beyond just a sending out a list of names of pro bono services. ICANN could help facilitate, for example, by working together with particular applicants to make a successful application. Some working group members expressed concerns about ICANN in the role of a facilitator and vetting pro bono providers.

ICANN org explained that it has started reaching out to potential or pro bono service providers with an expression of interest survey. But it emphasized that matchmaking sets up a new responsibility and accountability for ICANN. The working group noted that there was also a question about whether or not there is adequate coverage from pro bono services. From the results of the ICANN org survey of potential pro bono service providers, as noted by the working group, it appears that there is generally adequate coverage from both a capacity perspective/regional coverage, but also from a capabilities perspective, with the exception of technical expertise. However, the working group emphasized that the survey is indicative of pro bono service provider capacity, not of potential interest from potential applicants to the Applicant Support Program. ICANN org noted that the survey was also intended to help identify opportunities for additional outreach if there were significant gaps in available capacity. ICANN org suggested that the results of the survey, without the benefit of additional communications and engagement, is encouraging in showing a good deal of latent interest in supporting the Applicant Support Program.

With respect to ICANN org's response to the question about matchmaking and vetting pro bono service providers, ICANN org explained that it will do its best to conduct due diligence on pro bono service providers. However, ICANN does not plan to be a "matchmaker"-- rather it plans to raise awareness between the two groups. So, for example, ICANN could host webinars for supported applicants where providers could present the services they can offer, in what regions, and in what languages. It would not be the same as matching an applicant with a

provider -- the onus would still be on the applicants to contact pro bono service providers should they want their help. ICANN org noted that it is satisfied with the way that the guidance recommendation is currently worded, “that the applicant support program has cultivated pro bono services,” that is, not meaning matchmaking, but simply enabling.

After extensive discussion there was no agreement by working group members to amend the guidance recommendation based on the GAC comments. In particular, working group members were concerned that matchmaking does not seem to be in scope or appropriate for ICANN to perform. The working group further noted that matchmaking, which creates a new responsibility, also seems to create potential accountability and liability concerns. The working group did agree with ICANN org that there can be some categorization of the providers to help designate what expertise the providers possess, and that this point would be useful to add to the rationale. The working group noted that this approach might be a good middle-ground between just a list of pro bono service providers and matchmaking.

3. ICANN ORG SET UP OF APPLICANT SUPPORT PROGRAM FOR SUCCESS (IN OPERATIONAL TERMS)

Guidance Recommendation 3: That the Applicant Support Program has the necessary resources to achieve its goals based on the GGP Guidance Recommendation Report.

Indicators of Success:

Qualitative: Survey results from event attendees, potential Applicant Support Program applicants, and actual Applicant Support Program applicants indicate a high degree of understanding about the Applicant Support Program and the gTLD Program application requirements.

Data/Metrics to Measure Success: “mentions”, the quality of the coverage (e.g., reach, correct messaging, positive tone, appropriate outlet), and the geographic distribution of the coverage. Additional communications metrics that can be considered include social media statistics, website traffic, and event attendance (physical and online), inquiries, event registrations indicate awareness and have cultivated interest among potential applicants to get more information about the Applicant Support Program.

Qualitative Measurements: Results of the ongoing surveys about the quality, accessibility, and usefulness of the information and events provided about the Applicant Support Program.

Rationale for Final Guidance Recommendation:

As noted in the Initial Report, the working group agreed that it was important to include an operational recommendation that the Applicant Support Program has the necessary resources, the related metrics, and measures of success to achieve its goals. In particular, as noted in the above guidance recommendation, operational readiness is very important because without it,

the communications, pro bono resources, funding allocations — that is the elements that form the heart of the program — are not achievable.

Also, as noted in the deliberations on the GAC comments in the public comment review, the working group agreed that the phrase “necessary resources” was sufficiently broad as to include the notion of financial and human resources, and thus they agreed not to amend the guidance recommendation accordingly.

Public Comment Review:

The working group discussed the GAC comments supporting the recommendation but with a wording change. Specifically, the GAC suggested a clarification of what is meant by “resources.” Some working group members noted that this clarification could be included as implementation guidance, or by inserting “including financial and human resources” in parentheses after “necessary resources”. Others were concerned that this change could be overly prescriptive. After some discussion, the working group agreed that it seems that the phrase “necessary resources” was sufficiently broad as to include the notion of financial and human resources. Thus, the working group agreed to not amend the guidance recommendation to include the clarification, but did agree that some language could be included in the rationale.

4. APPLICATION SUBMISSION AND EVALUATION

Guidance Recommendation 4: Make application materials and the application process timely and accessible to diverse potential applicants, with the aim of facilitating successful applications in the Applicant Support Program among those who may need and could qualify for support.

Indicators of Success:

ICANN Learn module/survey results show that a majority of applicants had a strong understanding of the application requirements and evaluation process.

Data/Metrics to Measure Success: Percentage of applicants that applied that indicated via survey or ICANN Learn module that they had a strong understanding of the Applicant Support Program application requirements and evaluation process.

Qualitative Measurements: Results of surveys about whether the applicant was successful or made an informed decision not to submit an application (noting that survey response rates from entities that ultimately chose not to submit an application may be quite low and difficult to measure).

Rationale for Final Guidance Recommendation:

As noted in the Initial Report, the working group agreed that the aim of the Applicant Support Program should be to facilitate successful applications among those applicants who may need and could qualify for support. To that end, the working group further agreed that it was important that the Applicant Support Program should provide timely and accessible application materials and the application process to diverse potential applicants.

The working group agreed after reviewing and analyzing the public comments to maintain the guidance recommendation as presented in the Initial Report.

Public Comment Review:

Although the GAC supported the recommendation as written, it did suggest a wording change to emphasize the importance of the word “timely”. The working group in its discussion agreed that there is validity in their highlighting the notion of timeliness, and that perhaps that could be included in implementation guidance. However, after further discussion the working group agreed that no changes were needed in response to the comment. The working group also noted the comments from the NCUC supporting the recommendation as written.

5. CONTRACTING/DELEGATION

Guidance Recommendation 5: Of all successfully delegated gTLD applications, the goal is that a certain percentage of them should be from supported applicants.

Indicators of Success:

No fewer than 10, or 0.5 percent (.005), of all successfully delegated gTLD applications were from supported applicants. This should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum.

Data/Metrics to Measure Success: 0.5 percent (.005) of successfully delegated gTLD applications are from supported applicants. Note that this percentage is not in relation to the number of strings applied for, rather the number of applications.

Rationale for Final Guidance Recommendation:

Per the Initial Report, the working group agreed that it was important to have a goal that a percentage of successfully delegated gTLD applications should be from supported applicants. However, the working group also agreed that it needed to establish achievable goals, taking into account experiences from the 2012 round. In addition, the working group recognized that a potential applicant may have all the information and pro bono services needed but may make an educated choice to not apply for a gTLD. Given those factors, the working group agreed that a modest number of applications, or a small percentage, can be seen as a success.

Following the public comment review, the working group agreed to language that, “This should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum.” In addition, it agreed to add to the rationale that adequate resources should be made available if the number of qualified applicants exceeds or greatly exceeds the indicator of success, since the indicator of success should be seen as a floor, not a ceiling. The working group agreed that this change captures the intent that ICANN should strive to exceed the minimum number while addressing the concern that a stretch goal could result in failure or a lack of adequate resources.

Public Comment Review:

Wording Change: Working group members noted that the Com Laude comments suggest adding nuance to the recommendation – a deeper analysis of supported applications versus non supported. They further noted that this change might raise more questions and could be misunderstood. They agreed that it would be helpful to get feedback from ICANN org on the feasibility of capturing these metrics. The working group agreed that Com Laude’s comments suggest that looking at just the delegation rates is insufficient and that one might need to look at the comparison of supported applications and unsupported applications throughout the life cycle of the program, to identify how well supported applications do throughout the various elements of the program and assessing if that is comparable to a standard application. The proposal recommends carrying out long-term evaluation of the viability of supported applicants versus non-supported applicants.

With respect to the Com Laude comments, ICANN org responded that it is planning to hire expert evaluators. ICANN org will, in addition, take into account the suggested success metrics the GGP has developed as guidance. Moreover, ICANN org emphasized that it will be important to give the expert evaluators some degree of flexibility in developing and utilizing an evaluation method they think is appropriate for assessing the Applicant Support Program. ICANN org further emphasized that it does want to understand why a supported applicant fails the gTLD evaluation. However, ICANN org noted that collecting information about non-supported applicants in the gTLD Program, which is suggested in the comment among other things, seems to go beyond the scope of evaluating the Applicant Support Program.

With respect to the GAC comments, some working group members noted that it may sound like going from 1 to 10 Applicant Support Program applicants is success, but this does not seem like it goes far enough. There is a perception that the GGP is validating that only 10 successful applicants means the program has succeeded. In its deliberations, working group members emphasized that there were several successful applicants from the Global South who ended up operating their gTLDs. They added that running a registry is running a business and it needs registrants in order to be successful. One working group member suggested that it may also be helpful to look at domains under management in ccTLDs. Working group members further emphasized that the purpose of having a number and a percentage is to help account for a very large number of applications.

The GAC noted that it wants the program to be ambitious. The working group agreed that it may be helpful to identify a stretch target to address the GAC's concern without unduly limiting the program (e.g., receiving 19/20 successful applications). However, the working group noted that setting too ambitious of a goal can create an avenue for the program to be attacked as a failure. The working group agreed that it needs to be careful to not make its recommendations too prescriptive because the Board may reject them, as can be seen from some of the SubPro recommendations.

The GAC suggested text that initially included a stretch target of 175-315 successfully delegated gTLD applications, based on the target range identified in the results of the Expression of Interest Survey - Applicant Support Pro Bono Service Providers. However, working group members continued to express concern with a number in the range of 175+. An alternate suggestion from the GAC was to identify a stretch target as 50. One working group member suggested that this is already 5 times the agreed upon target of the GGP. There was also a suggestion to include goals of the program (e.g., fostering diversity and choice). Several working group members cautioned that a goal should not be established based on the survey as the numbers in the survey are in relation to the number of pro bono service providers, not applicants that have indicated their intention to apply.

Some working group members suggested new language that indicates the desire for a stretch goal without necessarily putting in a specific number: "Indicators of Success: No fewer than 10, or 0.5 percent (.005), of all successfully delegated gTLD applications were from supported applicants. This should not prevent a stretch target to achieve the aim of achieving greater global diversification of the new gTLD application program." According to the working group members, the goal in suggesting the revised language is to try and capture the concern that the GGP is not being ambitious enough, without unintentionally creating additional bars that must be reached. The working group noted that more data would be needed to establish a specific stretch target, which would require more time to collect. However, the working group expressed the concern that extending the timeline of the GGP by several months to collect more data would most definitely impact the implementation of the Applicant Support Program and potentially the overall timeline for the launch of the New gTLD Program.

After extensive discussion, the working group agreed to language that, "This should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum." In addition, it agreed to add to the rationale that adequate resources should be made available if the number of qualified applicants exceeds or greatly exceeds the indicator of success, since the indicator of success should be seen as a floor, not a ceiling. The working group agreed that this change captures the intent that ICANN should strive to exceed the minimum number while addressing the concern that including a specific stretch goal could result in failure or a lack of adequate resources.

6. ONGOING OPERATIONS OF THE GTLD

Guidance Recommendation 6: ICANN org to investigate the extent to which supported applicants that were awarded a gTLD are still in business as a registry operator after three years.

Implementation Guidance:

1. If supported applicants that were awarded a gTLD are *not* still in business as a registry operator after three years, ICANN org should investigate barriers/challenges that failed registry operators experienced to help inform future aspects of Applicant Support Program and/or other capacity development new registry program.
2. Following completion of a new gTLD round, ICANN org should collect data on the number of supported applications that resulted in a delegated TLD by region, and those that did not; track operations of those delegated TLDs for three years; and conduct of survey of the successful and unsuccessful supported applicants to determine which elements of the program they found useful or not.

Indicators of Success:

Number of supported applications that result in a delegated TLD and track operations over a designated time period, for example three years.

Data/Metrics to Measure Success:

- The number of registrants of domain names registered in “regional” TLDs (e.g., TLDs focusing mainly on a local, limited market), keeping in mind that there are other barriers for registrants in developing countries to access domain names, such as inability to access online payment services and a lack of local registrars.
- The number of domain names registered in “regional” new gTLDs compared to the number of Internet users in such regions. These numbers could be compared with the same numbers for Internet users and “regional” new gTLDs in developed regions such as Europe and North America.

Rationale for Final Guidance Recommendation:

As noted in the Initial Report, the working group agreed that in order to demonstrate the success of the Applicant Support Program it would be important to not only delegate supported applicants, but to see that after a certain period of time, a supported applicant that was awarded a gTLD was still in business as a registry operator.

Following the public comment review, the working group agreed that the recommendation includes the concept that supported applicants were awarded a gTLD in the next (not previous) round, since the recommendation is meant to be forward looking. In addition, the working group agreed that the countdown for the guidance recommendation for a supported applicant to “still in business as a registry operator after three years” starts from delegation, which can

be further refined during implementation. Finally, the working group agreed that beyond three years there should be periodic checks thereafter, as well as a comparison of rates against non-supported applicants.

Public Comment Review:

In its comments, ICANN org suggests making the recommendation forward looking, so using “next round” in the recommendation, as in “supported applicants that were awarded a gTLD [in the next round]”. The working group agreed to include this concept in the rationale.

In its review of the GAC comments, the working group considered including in the rationale the need for more specificity in determining when the three-year countdown for delegation begins. For example, the working group noted that the term “registry operator” implies that a contract has been signed. The working group debated as to whether the period of three years should be from delegation, or if it should be from contract signature. Following the discussion, the working group agreed to capture in the rationale the nuance that the countdown for the Guidance Recommendation for a supported applicant to “still in business as a registry operator after three years” starts from delegation, which can be further refined during implementation.

The working group representative for the ALAC suggested that it might be helpful to look at the timeframe beyond three years, perhaps to add language about periodic checks thereafter, as well as adding the possibility to compare rates against non-supported applicants. The working group agreed that this language could be included in the rationale.

In their review of the comments from the NCSG, the working group noted that the comments seem to suggest parsing out the data, but agreed that this may be covered in the Implementation Guidance.

Interdependencies of Guidance Recommendations 7, 8, and 9:

As noted above, the GGP working group emphasizes that ICANN org’s Next Round implementation team should take into consideration potential dependencies among all the recommendations. In particular, with respect to Guidance Recommendations 7, 8, and 9 relating to recommending a methodology for allocating financial support where there is inadequate funding for all qualified applicants, the working group clarifies that these recommendations are to be interpreted as interdependent and that the objectives therein are to be balanced as a key aspect of the program’s success. In addition, per recommendation 17.12 the GGP is not suggesting ICANN org only develop a funding plan for the Applicant Support Program if funding for supported applicants drops below a certain level.

Guidance Recommendation 7: In the scenario that there is inadequate funding for all qualified applicants in the Applicant Support Program, the recommended methodology for allocating financial support should be for ICANN org to allocate limited funding by way of fee reduction equally across all qualified applicants, while not hindering the efficiency of the

process. In this context the working group agreed to assume, for the sake of equity, that one application equaled one string. This recommendation is made in the context of no additional funding being made available. However, the group recommends that ICANN org give high priority to and make every effort to provide additional funding so that all successful applicants are supported.

Guidance Recommendation 8: To mitigate the risk that the allocation of support under the Applicant Support Program could be diluted to the point of being unhelpful, ICANN org should designate a minimum level of support each qualified applicant must receive, and develop a plan if funding drops below that level.

Guidance Recommendation 9: ICANN org should develop a flexible, predictable, and responsive Applicant Support Program in order to communicate the results of evaluation process and allow applicants to know their range of support allocations as early as possible in a transparent manner.

Rationale for Final Guidance Recommendations:

Recommendation 7:

As noted in the Initial Report, in the fortuitous case of limited funding in the presence of an overwhelming number of qualified applicants, the working group agreed to apply the principle of fairness to the methodology to allocate support. It further agreed that the principle of fairness can be best deployed by allocating reductions in funding equally across all qualified applicants.

After completing the public comment review, the working group agreed that it was important to emphasize that it made the deliberate decision not to prioritize groups of applicants seeking support.

Recommendation 8:

Also in the Initial Report, the working group agreed that in the case of limited funding it is possible that there could be too little reduction in funding to be useful to qualified supported applicants. The working group did not think it was necessary or in scope for it to provide details concerning how ICANN could mitigate the risk of that occurring. However, it did agree to recommend that ICANN should both designate a minimum level of funding as well as develop a plan to mitigate the risk.

Following the public comment review, the working group emphasized that in the case where funding should drop below a certain level as in the recommendation, there could be a community consultation, such as via the IRT.

Recommendation 9:

Per the Initial Report, the working group discussed how to deal with the timing of notifications of funding for qualified candidates and the concern that it could be detrimental for applicants to have to wait until the end of the application window before being notified of funding. In this regard, working group members suggested that the GGP could provide a guidance recommendation in the form of principles that the Applicant Support Program should allow for flexibility in the timing of notifications.

Following the public comment review, the working group agreed to emphasize how important early notice is to applicants.

Public Comment Review:

Guidance Recommendations 7, 8 & 9:

For all three recommendations, the working group noted the ICANN org concerns in its comments that there could be inconsistencies between recommendations 7-9 unless they are considered to be interdependent. When asked by the working group to explain their comments about dependencies, ICANN org emphasized that it is about considering guidance recommendations 7, 8, and 9 together, because on the one hand, the working group said that they would like to have a floor -- a minimum amount that that would want to have respected. At the same time, the recommendation is to let applicants to know as early as possible whether they'll receive support. Also at the same time, the recommendation is for funding to be equally distributed. ICANN org noted that some of those requirements might seem contradictory. So, ICANN org emphasized that these three guidance recommendations should be read together to ensure that when implemented, they don't conflict. Related to that point is the ICANN org suggestion to reference policy recommendation 17.12 to clarify that the GGP is not suggesting ICANN org only develop a funding plan for the Applicant Support Program if funding for supported applicants drops below a certain level. Following extensive discussion, the working group agreed to include preamble text introducing guidance recommendations 7, 8, and 9 noting their interdependencies and that per recommendation 17.12, the GGP is not suggesting ICANN org only develop a funding plan for the Applicant Support Program if funding for supported applicants drops below a certain level.

Guidance Recommendation 7:

The working group noted that the NCSG in its comments suggested for recommendations 7 and 8 that prioritization is worthwhile, even if it is a difficult task. However, working group members expressed the concern that this suggestion for prioritization might be out of scope. They further noted that prioritization has been discussed before, but to do so now will challenge timelines. The working group agreed that prioritization in this context is not warranted, and it is better to focus on ensuring additional funds are available if this

circumstance arises. The working group agreed to add to the rationale that the working group has made a deliberate decision to not prioritize.

A few working group members raised the issue of the budget for the Applicant Support Program and whether the recommendation should include ICANN seeking other sources of funding if the budget is inadequate, but other working group members noted that this issue had been previously discussed and deemed out of scope.

Guidance Recommendation 8:

The working group discussed the GAC comments suggesting a wording change in the recommendation to “a transparent plan [in consultation with the community] if funding drops below that level”. Some working group members questioned what is meant by “consultation” – did it mean a Policy Development Process or a public comment process? They expressed the concern that the consultation does not add anything or could delay the launch of new gTLDs since the Applicant Support Program is in the critical path. ICANN org noted that the IRT already is a community consultation. After additional discussion, the working group agreed to add language to the rationale that in the case where funding should drop below a certain level as in the recommendation there could be a community consultation, such as via the IRT.

Guidance Recommendation 9:

The working group discussed the comments from the GAC and agreed to emphasize how important early notice is to applicants and include that in the rationale. For the comment from Gabriel Karsan, the working group agreed that it seems to be overly complicated and would add new information to the recommendation. Furthermore, working group members agreed that it seems like a lot of detail that otherwise should be left up to the IRT.