UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures

APPLICANT SUPPORT PROGRAM (v02)

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31 July 2019

SNAPSHOT OF KEY ELEMENTS
Applicant Support Program (ASP)

ALAC STATEMENTS have touched on:

- Eligibility / Eligibility Criteria
- Awareness / Outreach
- Type of Support: Financial & Non-Financial
- Support beyond application / evaluation to operation
- Sources of Funds for ASP, & Dispersion
- Evaluation of Applicants / Applications
- Priority in string contention for Successful ASP Applicant
- Effect of Rejection for ASP

RELATED SubPro Areas/Topics include:

- Communications, Application Submission Periods
- Types of Applications, Community Applications
- Dedicated "Application Round"
- Variable Fees
- String contention resolution
- Pre-approved Registry Program

COMPETITION, CONSUMER CHOICE & TRUST (CCT) RECOMMENDATIONS

- Rec. 32: Revisit the Applicant Financial Support Program (prerequisite for SubPro)
- Rec. 29: Set objectives/metrics for applications from the Global South (prerequisite for SubPro)
- Rec. 30: Expand and improve outreach into the Global South (prerequisite for ICANN Org)
- Rec. 31: ICANN Org to coordinate the *pro bono* assistance program (prerequisite for ICANN Org)

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Applicant Support Program (ASP) as at 31Jul 2019

- SubPro WG started deliberations on public comments to Initial Report on topic of ASP on 24 Jul 2019, 29 Jul 2019 and will continue/end on Thu 1 Aug 2019 at 03:00 UTC.

- There is High Level Agreement that the ASP in the 2012 round failed badly and that it needs policy changes to have a greater chance of success.

- The general questions are:
  - ❑ What aspects need changing (ie policy changes)?
  - ❑ Will changes lead to undesired consequences? Are undesired consequences harmful? If so, how to prevent such consequences in light of changes?
  - ❑ How will such changes impact on other parts of subsequent procedures?
  - ❑ How to measure “success” or “greater success”?
  - ❑ How to fund the ASP and related costs?

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Applicant Support Program (ASP) as at 31Jul 2019

Eligibility / Eligibility Criteria

ALAC STATEMENTS supports:

- Open to all applicants whose applications are conceived to serve underserved regions and/or underserved communities regardless of location (beneficiary) so long as meet other criteria
  - Expanding traditional definition of "community applications", enable for-profit entities in underserved and underdeveloped economies to participate
- What should matter is the location of the region/community not the applicant
- Requiring demonstration of how applicant will serve beneficiary, not merely public interest
- Either make eligibility criteria less stringent or increase support to help applicants meet criteria
- Applying resources to identify and address barriers to applications

SUBPRO WG Deliberations:

High Level Agreement

- Continue to be open to applicants regardless of their location as long as they meet other program criteria.

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Applicant Support Program (ASP) as at 31Jul 2019

Awareness / Outreach

ALAC STATEMENTS supports:

- Need for more outreach and improved awareness; some support for targeted outreach to communities in Global South, developing countries/regions or middle applicant prioritizing Native Peoples
- Applying resources to identify and address barriers
- Use of Metrics to measure success: diversity – application vs approval numbers outside US/Europe, geo spread, for IDN

SUBPRO WG Deliberations:

High Level Agreement

- Not only target the Global South, but also consider the "middle applicant" which are struggling regions that are further along in their development compared to underserved or underdeveloped regions.
- Employ longer lead times to create awareness, draw on regional experts, and leverage tools and expertise to evaluate applicant business cases
- Consider as a measure of success the number of successful applicants vs total applications to ASP

Outstanding Question

- Need definition of "Global South", or agreement on another term to describe underserved or underrepresented regions **– work with ICANN Org**

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Applicant Support Program (ASP) as at 31Jul 2019

Type of Support: Financial & Non-Financial, & Support beyond application / evaluation to operation Sources of Funds for ASP, & Dispersion

ALAC STATEMENTS supports:

- Tapping ccTLD operators to avail local consulting resources
- Needing more than USD 2 mil for next ASP
- Identifying additional funding partners
- Source of funds being (1) excess application fees from 2012 round and (2) Auction Proceeds; some support for (3) adding as an extra component to next round application fees
- Using points earn during evaluation to determine dispersion of funds if there are more applicants than funds
- Variable Fees only for ASP applicants
- *Retaining Pro Bono Services for gTLD Startup Registries for candidates seeking support*
- *Recognising ASP always intended to include IDN support*
- *Building capacity using Auction Proceeds*

SUBPRO WG Deliberations:

High Level Agreement

- Include financial support beyond the application fee, such as including application writing fees, related attorney fees, and ICANN registry-level fees.
- ICANN should seek funding partners to help support the ASP.
- ICANN should evaluate whether additional funding is needed for ASP in subsequent procedures.

No Agreement

- Extending financial support beyond application process

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Applicant Support Program (ASP) as at 31Jul 2019

Evaluation of Applicants/Applications

ALAC STATEMENTS supports:

- Need for more realistic eligibility criteria in evaluating applicants
- Some support for dedicated round for applicants from developing countries and which proposes to benefit communities in developing countries or indigenous communities

SUBPRO WG Deliberations:

Ideas/Concerns on Evaluation of applicant business plan

- Application needs to demonstrate business case. Applicants should submit and Expression of Interest. If deemed to have promise, they receive seed funding to develop an application. If application passes Initial Evaluation, application fee is waived. A limited, capped number of applications should be supported in this way.
- Cautions against ICANN evaluating business plans to make a determination on the value of a business plan. Participation in ASP should not empower ICANN to determine the viability of a plan

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Applicant Support Program (ASP) as at 31Jul 2019

Priority in string contention for Successful ASP Applicant

ALAC STATEMENTS suggests:

- Applicants who are subject to string contention resolution procedures and auctions are expected to have the financial wherewithal to see through the resolution procedure or participate in an auction as a last resort. Applicants who qualify for ASP are by default disadvantaged in this regard given their need to obtain Application Support in the first place. One this basis, **propose that an applicant who qualifies for ASP should be given priority in any string contention set, and not be subjected to any further string contention resolution process**.

SUBPRO WG Deliberations:

Questions have arisen:

- Does the string selected matter? What if string selected is a generic word? Does that mean ASP application evaluations need to be completed first?

Additional thoughts:

- Nature of SARP evaluation is "less stringent" than CPE evaluation; does SARP evaluation need to be more stringent to justify priority given to ASP applicant who qualifies for ASP? What happens if string contention set involves multiple applicants who qualify for ASP?

No Support/Agreement

- No priority for successful ASP applicant in string contention set

SNAPSHOT OF SUBPRO WG DELIBERATIONS
Applicant Support Program (ASP) as at 31Jul 2019

Effect of Rejection for ASP

ALAC STATEMENTS supports:

- Allowing applicants whose applications do not meet requirements of ASP to **choose whether to withdraw or transfer** those applications to standard application regime, with reasonable time give to pay balance application fee amount if choose to transfer
- **Provided no willful gaming** determined by Support Application Review Panel (SARP) during evaluation – willful gamers should be penalized via ban for specified period
- **i.e. No automatic termination of applications which do not meet ASP criteria**

SUBPRO WG Deliberations:

High Level Agreement

- Applicants who do not meet ASP requirements allowed to choose whether to withdraw or transfer relevant application as standard application with reasonable time given to pay balance application fee amount

Outstanding Questions

- 2012 no transfer rule was to prevent gaming, so if allow transfer how to prevent gaming?
- How does allowing transfer impact timing of evaluations?