



UPDATE & CONSULTATION ON
New gTLD Subsequent Procedures
Summary of Consensus Positions

APPLICANT SUPPORT PROGRAM (v6)

Justine Chew
22 April 2020

Summary of Consensus Positions

SubPro PDP WG recommendations

Affirmation #1

WG affirms Implementation Guidance B from 2007, “Application fees will be designed to ensure that adequate resources exist to cover the total cost to administer the new gTLD process. Application fees may differ for applicants *that qualify for applicant support.*”

Acceptable. No further intervention needed.

Recommendation #2

- As per 2012 round, fee reduction must be available for select applicants who meet evaluation criteria through the ASP.
- That ICANN continue to **facilitate** non-financial assistance including provision of pro-bono assistance to applicants in need.
- WG believes **high-level goals and eligibility requirements** for ASP remain appropriate, noting however that since ASP not limited to LD countries in 2012 round, it should continue to be open to applicants regardless of location as long as they meet other program criteria.
- Therefore, IG N be amended to “ICANN must retain the ASP, which includes fee reduction for eligible applicants and facilitate the provision of pro-bono non-financial assistance to applicants in need.”

Two points for further invention, which are:

- (i) Per CCT-RT Rec 31, **ICANN Org must actively encourage and coordinate participation of parties wishing to offer pro-bono assistance as well as communication between those parties and eligible applicants to ensure eligible applicants have effective access to pro-bono assistance, and not be left with just a list of offerors.**
- (ii) Advocate for IRT to ensure requirement that applicant must demonstrate how they would serve beneficiary target region or community, not propose merely a general public interest benefit as an evaluation criterion.

❖ CCT-RT Rec 31 “ICANN Org to coordinate the pro-bono assistance program”.

Summary of Consensus Positions

SubPro PDP WG recommendations

Recommendation #4

ICANN improve outreach, awareness-raising, application evaluation, and program evaluation elements of the ASP, as proposed in the IG below

Implementation Guidance

- Outreach and awareness-raising activities should be delivered well in advance to application window opening, as longer lead times help to promote more widespread knowledge about the program. Such outreach and education should commence no later than the start of the Communication Period.
- A dedicated IRT be established / charged with developing implementation elements of ASP – giving regard to the JAS WG Final Report and 2012 implementation of ASP.
- Outreach efforts should not only target the Global South, but also “middle applicants” (those located in struggling regions that are further along in development compared to underserved or underdeveloped regions. Evaluation criteria in ASP must treat “middle applicants” similar to those benefiting LDCs, LLDCs, SIDS per UNDESA list

The element of education around the business model for applicants as identified by AM Global Study is missing. Need to advocate for the inclusion of this element business model education (eg. business case studies) to increase the utility of the ASP either within this recommendation or in a separate recommendation.

- Support PIRR rec 6.1.b, “Consider researching globally recognized procedures that could be adopted for implementing ASP”
 - Have dedicated IRT should draw on experts with relevant knowledge, including from targeted regions, to develop appropriate program elements related to outreach, education and application evaluation. Regional experts may be particularly helpful in providing insight on the evaluation of business plans from different parts of the world.
 - Dedicated IRT should seek advice from experts in the field to develop framework for analysis of metrics to evaluate success of ASP
- ❖ CCT-RT Rec 30, “Expand and improve outreach into the Global South.”
 - ❖ CCT-RT Rec 29, “Set objectives/metrics for application from the Global South.”

Summary of Consensus Positions

SubPro PDP WG recommendations

Acceptable.
No further
intervention
needed.

Recommendation #5

Support PIRR rec 6.1.a, “Consider leveraging the same procedural practices used for other panels, incl. publication of process documents and documentation of rationale.”

Recommendation #6

ICANN Org must develop plan for funding ASP, as proposed in IG below

Need to advocate for concrete steps to secure and increase the ASP Fund; advocate for ICANN Org to actively inform, encourage and liaise with National banks and aid agencies worldwide to participate in sponsoring applicants or ASP funding.

Implementation Guidance

- ICANN Org should evaluate whether it can provide funds (per 2012) or whether additional funding is needed for the ASP in subsequent rounds
- ICANN Org should seek funding partners to help financially support the ASP as appropriate

Recommendation #7

- Unless the SARP reasonably believes there was willful gaming, applicants who are not awarded Applicant Support (whether “Qualified” or “Disqualified”) must have the option to pay balance of full standard application fee and transfer to standard application process.
- Applicants must have limited period of time to provide any additional information necessary to convert theirs to a standard application, without causing unreasonable delay to other elements or other applicants eg in a contention set.

To monitor during implementation:
(i) Expanding SARP’s evaluation methodology to include determination of wilful gaming
(ii) Development of broad agreement on penalty to be applied to applicants found to be wilful gamers.

Recommendation #8

The Financial Assistance Handbook or its successor, subject to changes included in the above recommendations, must be incorporated into the AGB for subsequent rounds.

Acceptable. No further
intervention
needed.

Summary of Consensus Positions

New Issues

1. Priority to successful ASP applicants – re dispersion of funds

Have IRT establish an approach for this as a matter of importance since we expect uptake of Applicant Support to increase in the next round; consideration can be given to determine dispersion of funds:

- Using points earned during evaluation
- Using “quota per region” approach

2. Effect of Transfer on timing of ASP process

No further intervention needed.

Positions Still Requiring Consensus

Positions Still Requiring Consensus

Recommendations

Recommendation #3

Expand scope of financial support to ASP beneficiaries

beyond application fee to also cover costs such as application writing fees, attorney fees related to application process

To push the envelope on financial support to include operational costs, consistent with the ICANN Board's decision made in Nairobi in initiating the ASP which is for ICANN Community to find a way to support applicants that are in need of means to make the application and to operate.

How? Proposal from Christopher Wilkinson

Joint financing of ASP applications for new independent gTLDs

- ICANN applicant support must take account of the overall investment costs necessary for the success of the proposed independent Registry, including how these costs will be financed. (the pro-forma refers.)
- The financial evaluation of the proposal must be undertaken by qualified staff within ICANN.org. The financial data should be confidential, except that in the event of joint financing by third party entities (e.g. regional development banks) the project's financial data would have to be shared by the applicant, under conditions of confidentiality.
- Applications from pre-existing Registry/Registrar entities, just proposing to add to their portfolios are not eligible for ASP.

Applications for ASP must be incorporated in the jurisdiction of the applicant.

All applications for geographical names must be incorporated in the jurisdiction to which the geo-name refers. On the basis of prior authorisation.

- **Joint financing:** ICANN.org staff will:
 - (a) undertake a review of the financing of independent gTLD applications arising from the 2012 Round. And publish the anonymised data arising from that review. This is not to be out-sourced.
 - (b) Conduct a proactive information and promotional activity with possible third party agencies to facilitate subsequent approaches from ICANN and ASP applicants.
 - (c) establish confidentiality rules and procedures to protect ASP applicants and third party participants, including the financial data that they will have to have received in this context.

Positions Still Requiring Consensus

Omissions

Omissions

1. Priority in string contention for successful ASP applicant

3 Options in approaching resolution, set out below:-

Option 1

- Repeat comment/proposal insisting that priority in string contention ought to be given to successful ASP applicant
- Knowing that this isn't a new contribution and that it received so other support during SubPro PDP WG deliberations
- So, the effect is a restatement on principle, "in support of ASP making a difference".

Option 2

- Focus just on securing for Community-based applications which were granted Applicant Support, the benefit of a multiplier in bids in auction of last resort
- So, this would be a departure from outright priority in string contention to a "secondary priority" applying in event of auction

Option 3

- Combine Option 1 and Option 2 in a suitable way, eg:
 - ❑ "In advocating for greater participation in New gTLD Program – need for diversity, competition, choice etc – priority in string contention ought to be given to successful ASP applicants." – i.e. Option 1
 - ❑ "Failing which, greater imperative for reasonable provisions to help level the playing field for successful ASP applicants to effectively compete against applicants that are better resourced and not in need of application or operational support. – i.e. Option 2

Positions Still Requiring Consensus

CCT recommendation

Overarching CCT-RT recommendation

- ❖ WG notes this Rec 32, “Revisit the Applicant Financial Support Program” has puts forward the (above) recommendations to support improving ASP in subsequent procedures.

Additional Intervention?

Do we think enough headway has been made by SubPro PDP WG on this CCT-RT recommendation to improve the ASP for next round(s) based on ALL of their above to-date recommendations?