

## **ODP QUESTION SET #2**

### **Topic 17: Applicant Support**

#### **Concern**

While ultimately a decision for the Board, ICANN org's ODP team wants to highlight a possible concern that the envisaged scope for a dedicate implementation review team (IRT), as detailed in Implementation Guidance 17.5, 17.8, and 17.10, may be out of scope for the role envisaged for an IRT per PDP Manual and Consensus Policy Implementation Framework (CPIF).

#### **Documented Role of an Implementation Review Team**

[The Consensus Policy Implementation Framework](#) states:

*“[An IRT] will serve as a resource to implementation staff on policy and technical questions that arise. An IRT will typically consist of, but will not be limited to, volunteers who were also involved in the development of the policy recommendations. As such, the IRT is expected to serve as a resource to staff on the background and rationale of the policy recommendations and return to the GNSO Council for additional guidance as required. Where relevant, the IRT should also include technical or subject-matter experts and contracted parties who can assist staff in the planning for the technical implementation of a policy change.”*

[The PDP Manual](#) states that the role of the IRT is: “to assist staff in developing the implementation details for the policy.”

[The IRT Guidelines and Principles](#) state: “the IRT is convened to assist staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations,” and “the IRT is not a forum for opening or revisiting policy discussions.”

#### **Envisaged scope for a dedicated IRT, per Topic 17 of the [Final Report](#)**

Implementation Guidance 17.5

*“A dedicated Implementation Review Team should be established and charged with developing implementation elements of the Applicant Support Program. In conducting its work, the Implementation Review Team should revisit the 2011 Final Report of the Joint Applicant Support Working Group as well as the 2012 implementation of the Applicant Support program.”*

Implementation Guidance 17.8:

*“In implementing the Applicant Support Program for subsequent rounds, the dedicated Implementation Review Team should draw on experts with relevant knowledge, including from the targeted regions, to develop appropriate program elements related to outreach, education, business case development, and application evaluation.”*

Implementation Guidance 17.10:

*“The dedicated Implementation Review Team should consider how to allocate financial support in the case that available funding cannot provide fee reductions to all applicants that meet the scoring requirement threshold.”*

## **Questions**

1. Does the Council share ICANN org’s concern that the envisaged role of the dedicated IRT, as detailed in Topic 17 of the Final Report, amounts to policy development? If not, why not?

The Council believes the intent of the Implementation Guidance as stated in the Report was that a group of people that were knowledgeable about financial assistance programs should address the specific elements of the Applicant Support Program. The Council does not opine on whether those elements are truly policy, implementation or both. It is essential that the dedicated team that works on these issues is both representative of the community, but also that it possesses the required skills and knowledge to develop such an important program.

The Council discussed this issue at the Council meeting on February 17, 2022 and continued this discussion during ICANN 73.

Rather than going down the path of classifying any of the work as “policy development”, “implementation”, or something else, the GNSO Council is considering whether there are mechanisms other than through a formal Implementation Review Team, where discussions can take place within the broader committee, to start doing some of the work envisaged by the SubPro Final Report GNSO-Council approved recommendations. This would include Applicant Support, but may include other distinct topics such as the Registry Service Provider (RSP) Pre-Evaluation Program, Challenges/Appeals from evaluation results and/or disputes, Metrics and the Standing Implementation Implementation Review Team (SPIRT).

At ICANN 73, the GNSO Council discussed this approach with the ICANN Board which seemingly welcomed work beginning on these topics to inform the ICANN Board’s consideration of the SubPro Final Report recommendations. One of the goals of such discussions taking place in the near future would be to inform the work of the ODP in assessing the costs of the new gTLD Program.

The GNSO Council takes note of the concerns expressed by the ICANN CEO to take care that we do not do work which may impede or delay the work of the ODP. In addition,

the GNSO Council acknowledges that this work would have to: (a) be narrowly focused on only the specific tasks set forth in the SubPro Final Report recommendations, (b) have clearly delineated milestones and timelines, (c) allow for representation from the entire community, including the ACs, and (d) not be used to “relitigate” any issues handled during the SubPro PDP.

2. According to the Council, which specific implementation elements should a dedicated IRT develop versus ICANN org, and how can we ensure that such implementation discussions follow the IRT Guidelines and Principles noted above?

See Answer above.