Module 3A: The GNSO Guidance Process for Applicant Support (2022-2023)

Policy Transition Program Pilot

30 March 2023

ICANN

INTRODUCTION

When the Applicant Support Program (ASP) launched in 2012, only three entities applied for the reduced application fee for a new generic top-level domain (gTLD), and only one applicant successfully met the established criteria.[1] This prompted several discussions within the ICANN community about the possible causes and solutions for the low turnout. The New gTLD Subsequent Procedures (SubPro) Working Group eventually adopted this task as part of the Generic Names Supporting Organization (GNSO) policy development process (PDP) to recommend changes to the New gTLD Program.

In its Final Report, the SubPro PDP Working Group identified 24 points of Affirmation, Recommendation, and Implementation Guidance pertaining to the Applicant Support Program.[2] The GNSO Council approved the outputs of the Final Report and sent it to the ICANN Board for its consideration. However, before adopting the 300+ total outputs of the Final Report, the ICANN Board requested that the ICANN organization conduct an Operational Design Phase (ODP) to assess the potential risks, costs, resource requirements, timelines, and dependencies of these outputs.[3]

In response to concerns raised by the ICANN organization ODP team and ICANN community members, the GNSO Council launched the first GNSO Guidance Process (GGP). This GNSO Guidance Process is tasked with providing guidance to aid the implementation of specific SubPro recommendations about the Applicant Support Program.[4] This module will further expand on the initiation of the GNSO Guidance Process and the ongoing work of the GGP for Applicant Support.

1. INITIATION OF THE GNSO GUIDANCE PROCESS

1.A. The SubPro Operational Design Phase

The SubPro Operational Design Phase (ODP) launched on 3 January 2022. While reviewing the Final Report, the ICANN organization ODP team noted that some recommendations in Topic 17 (Applicant Support) envision a "dedicated Implementation Review Team (IRT)" making

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[1] See "Applicant Support Program Update, 20-March-2013,"
https://newgtlds.icann.org/en/applicants/candidate-support/sarp-results-20mar13-en.pdf
[2] See "Final Report on the new gTLD Subsequent Procedures Policy Development Process,"
https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-20jan21-en.pdf
[3] See "New gTLD Subsequent Procedures Operational Design Phase" https://www.icann.org/subpro-odp
[4] See "GNSO Guidance Process (GGP) Initiation Request for Select New gTLD Subsequent Procedures Topics"
https://gnso.icann.org/sites/default/files/policy/2022/draft/draft-subpro-ggp-initiation-request-clean-26oct22-en.pdf

substantive decisions on implementation elements of the Applicant Support Program (ASP), such as decisions on outreach activities, metrics to evaluate its success, and the allocation of limited financial resources.[2] The ODP team expressed its concerns to the GNSO Council that the work set out in these recommendations may amount to policy development, which is beyond the scope of an Implementation Review Team.[5] According to current IRT Guidelines and Principles, the role of an Implementation Review Team is "to assist staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations.[...] The IRT is not a forum for opening or revisiting policy discussions."[6]

In its response, the GNSO Council did not confirm whether the work proposed for the Implementation Review Team amounted to "policy development" or presented a scoping issue for the IRT. Rather, the GNSO Council considered "whether there are mechanisms other than through a formal Implementation Review Team, where discussions can take place [...] to start doing some of the work envisaged by the SubPro Final Report [recommendations]."[7] The GNSO Council acknowledged that this work would need to:

A. Be narrowly focused only on 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 ICANN community, including the Advisory Committees, and
D. Not be used to "relitigate" any issues handled during the SubPro PDP.[7]

By initiating some work of the "dedicated Implementation Review Team" early, the Applicant Support Program would benefit from having more time and resources committed to ensure its effective implementation. In turn, having an effective Applicant Support Program would help expand the regional and language diversity of the wider New gTLD Program.

With these goals in mind, the GNSO Council determined that the GNSO Guidance Process (GGP) would be best suited to develop the additional guidance necessary for supporting eventual Applicant Support implementation efforts.

1.B. The GNSO Guidance Process

The GNSO Guidance Process is a mechanism by which the GNSO can provide informed guidance on specific gTLD policy issues identified by the GNSO Council or the ICANN Board. This guidance may include interpretation or clarification with regard to implementing existing

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[5] See SubPro ODP_ QS2.docx attachment from Correspondence "[SubPro-ODP] FW: SubPro ODP High-Level Timeline and Question Set #2"
https://mm.icann.org/pipermail/subpro-odp/2022-February/000033.html
[6] See "Implementation Review Team (IRT) Principles & Guidelines,"
https://www.icann.org/en/system/files/files/irt-principles-guidelines-23aug16-en.pdf
[7] See "ODP Policy Questions and GNSO Council Answers,"
https://community.icann.org/display/SubProODP/Collated+Policy+Questions?preview=/213680813/213680819/ODP%20Policy%20Questions%20and%20GNSO%20Council%20Answers.pdf

GNSO policy recommendations.[8] The GNSO Guidance Process cannot be used to create or amend Consensus Policies. These are policies for which ICANN's agreements with accredited registrars and gTLD registry operators require their compliance, and Consensus Policies can only be developed through a formal GNSO policy development process (PDP) or Expedited PDP.[9] The GNSO Guidance Process (GGP) may, however, be considered when guidance about gTLD policy issues, such as providing clarity or interpretation regarding implementation of policies, is necessary. To learn more about the differences between a PDP and a GGP, please refer to the table below.

Comparison Element	Policy Development Process (PDP)	GNSO Guidance Process (GGP)
Purpose	Create Consensus Policies binding on gTLD registry operators and ICANN-accredited registrars	Provide clarity, interpretation and guidance on gTLD policy topics
Who requests initiating the process	ICANN Board, ICANN Advisory Committee, or GNSO Council	ICANN Board or GNSO Council
How the process is initiated	1. Issue Report is requested 2. Preliminary Issue Report is drafted 3. Public Comment is held on Preliminary Issue Report 4. Final Issue Report is drafted and sent to GNSO Council 5. GNSO Council votes to initiate PDP	ICANN Board submits a formal request to initiate GGP, along with a detailed description of what the GGP should address. GGP is automatically initiated unless the GNSO Council votes not to do so. OR GNSO Council member submits a GGP Initiation Request (scoping document) and GNSO Council votes to initiate GGP
Next steps after initiation	The GNSO Council approves the PDP Charter and convenes a working group, task force, committee, or drafting team to perform the activities laid out in the Charter	The GGP Team is formed by the GNSO Council as laid out in the scoping document or ICANN Board request
Decision-making process	The GNSO Working Group Guidelines include specific, defined consensus levels which must be assigned to all final recommendations	Decision-making methodology is laid out in the scoping document, if different from GNSO Working Group Guidelines
Outputs	If approved, the outputs of a PDP Final Report may create new or amend existing Consensus Policies, which are contractually binding on ICANN's Contracted Parties.	If approved, the outputs of a Final GNSO Guidance Recommendation(s) Report may inform implementation of existing GNSO policy recommendations, but may NOT create new or amend existing Consensus Policies.
Approval	GNSO Council must approve before seeking final approval of the ICANN Board	GNSO Council must approve before seeking final approval of the ICANN Board

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[8] See ICANN Bylaws "Annex A-2: GNSO Guidance Process,"
https://www.icann.org/resources/pages/governance/bylaws-en/#annexA2
[9] See ICANN Bylaws "Annex A: GNSO Policy Development Process,"
https://www.icann.org/resources/pages/governance/bylaws-en/#annexA

Unless formally requested by the ICANN Board, the GNSO Guidance Process (GGP) must be initiated by a GNSO Councillor and accompanied by a scoping document, which identifies the scope of the effort, the proposed mechanism (such as a working group, drafting team, or individual volunteers), the decision-making methodology, and more. Following a vote of the GNSO Council, the GGP Team will be formed as outlined in the scoping document.

The GGP Team is encouraged to solicit early input from the GNSO Stakeholder Groups and Constituencies, other ICANN Supporting Organizations and Advisory Committees, and relevant functions of the ICANN organization, any of which may have relevant expertise, experience, or interest in the particular issue. The GGP Team may also decide to solicit input from outside advisors, experts, or other members of the public.[10]

After the GGP Team collaborates and develops its guidance recommendations, it produces a Proposed GNSO Guidance Recommendation(s) Report, which is sent to the GNSO Council and published for Public Comment. The GGP Team must consider all Public Comment submissions and determine if any modifications to the proposed guidance are necessary. The GGP Team will then deliver its Final GNSO Guidance Recommendation(s) Report to the GNSO Council, or choose to publish it for Public Comment and deliberate again before delivering the final output.

Once approved by vote of the GNSO Council, any guidance developed through a GNSO Guidance Process (GGP) must be considered by the ICANN Board. The ICANN Board may only reject the guidance if, by a vote of more than two-thirds of the ICANN Board, it determines that such guidance is not in the best interest of the ICANN community or ICANN.[11] If the ICANN Board approves the Final GNSO Guidance Recommendation(s) Report, it would then direct the ICANN organization to implement the guidance recommendations.

REQUIRED READING

Please read the **GNSO Guidance Process Manual** to learn more about how the GNSO Guidance Process works.

1.C. Initiation of the GNSO Guidance Process for Applicant Support

The SubPro Final Report envisaged a dedicated Implementation Review Team (IRT) making substantive decisions about the implementation of the new Applicant Support Program (ASP). After receiving the ICANN organization's concerns that this work may fall outside the typical scope for an IRT, the GNSO Council considered its available options. During its monthly meetings, the GNSO Council briefly considered reconvening the SubPro PDP to modify its recommendations, but expressed reservations about the size and membership of the working

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[10] See "ANNEX 5 – GNSO Guidance Process Manual,"
https://gnso.icann.org/sites/default/files/file/field-file-attach/annex-5-ggp-manual-24oct19-en.pdf
[11] See "GNSO Policy & Implementation Working Group Final Recommendations Report,"
https://gnso.icann.org/sites/default/files/filefield_47797/pi-wg-final-recommendations-01jun15-en.pdf

group for such a focused effort.[12] Since the implementation guidance would not result in new Consensus Policies, there was greater flexibility to make use of processes outside of a policy development process (PDP). The GNSO Council decided that, given the narrow scope of the Applicant Support elements in question and the efficiency of a smaller working group, this would be an ideal opportunity to pilot its GNSO Guidance Process (GGP). The GNSO Council agreed that the GGP should be limited to the single topic of Applicant Support, with an allowance to add additional scope to the GGP subject to a GNSO Council vote.

The GGP for Applicant Support marks the first demonstration of the GNSO Guidance Process since its inclusion in the ICANN Bylaws in 2015. The GNSO Council approved the GGP Initiation Request on 25 August 2022.[13]

This GGP for Applicant Support is currently operating as a representative model working group, consisting of one member and one alternate from the four GNSO Stakeholder Groups, the At-Large community, and the Governmental Advisory Committee; in addition to one chair to lead the effort; and one GNSO Council liaison.[14] Six members is notably few for a typical working group; however, the GNSO Council intended to have a smaller, more focused working group to more efficiently and expeditiously develop guidance recommendations.[15] To this end, the members of the GGP Working Group each possess expertise in previous deliberations about Applicant Support or knowledge that may have been lacking during previous deliberations.[16]

The scope of the GGP Working Group is currently limited to specific ASP-related outputs from the SubPro Final Report, such as developing implementation elements, cultivating expertise, identifying metrics for success, and recommending how to allocate limited funds. Each of these outputs requires additional deliberation and guidance before the Applicant Support Program is implemented. The GNSO Guidance Process for Applicant Support has therefore set out six tasks, each closely tied to the SubPro Final Report outputs. The GGP Working Group's tasks are as follows:

> **Task 1** – Review the 2011 Final Report of the Joint Applicant Support (JAS) Working Group and the 2012 implementation of the Applicant Support Program in detail, to serve as resources for other Applicant Support-related questions/tasks.
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> **Task 2** – Work with the ICANN organization as appropriate to identify experts with expertise to aid in tasks 3, 4, and 5.

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[12] See pages 49-57 of "ICANN Transcription: GNSO Council Meeting, 17 February 2022," https://gnso.icann.org/sites/default/files/policy/2022/transcript/transcript-gnso-council-17feb22-en.pdf
[13] See "Motions 2022-08-25," https://community.icann.org/display/gnsocouncilmeetings/Motions+2022-08-25
[14] See "Members and Mailing List," https://community.icann.org/display/GGPGIRFAS/Members+and+Mailing+List
[15] See pages 20-29 of "ICANN Transcription: GNSO Council Meeting, 21 July 2022," https://gnso.icann.org/sites/default/files/policy/2022/transcript/transcript-gnso-council-21jul22-en.pdf
[16] See "GNSO Guidance Process (GGP) Initiation Request for Select New gTLD Subsequent Procedures Topics," https://gnso.icann.org/sites/default/files/policy/2022/draft/draft-subpro-ggp-initiation-request-clean-26oct22 -en.pdf

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.

REQUIRED READING

Please read the **GNSO Guidance Process (GGP) Initiation Request** to learn more about the initiation and scope of the GNSO Guidance Process for Applicant Support.

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2. THE GGP WORKING GROUP

2.A. Initial Progress

The GNSO Guidance Process (GGP) Working Group first met on 21 November 2022. As of this publication, the GGP Working Group has met on eight occasions. Piloting the GNSO Guidance Process has presented its challenges, particularly with the narrow scope of its six tasks. There are many questions about the Applicant Support Program (ASP) and its implementation which are not addressed by this GGP, and some Working Group members have expressed a desire to provide guidance beyond the current mandate. To keep the group on track, the GGP chair has noted that any additional Applicant Support guidance may be included as part of its eventual Recommendations Report, but only once its assigned tasks are completed. The GGP Working Group has opted to address its six tasks in the order they are listed in the Initiation Request, with the understanding that each task is unique and requires a tailored approach to its completion.

Task 1 entails reviewing the 2011 Final Report of the Joint Applicant Support (JAS) Working Group and the implementation of the 2012 Applicant Support Program. The GGP Working Group members each completed their reading independently to prepare for group discussion. In addition, the ICANN organization answered members' questions about the implementation of the 2012 Applicant Support Program. Having finished its review, the GGP Working Group considers Task 1 to be completed.

Task 2 charges the GGP Working Group to identify and include relevant subject matter experts in its work to develop metrics for measuring success of the Applicant Support Program. With assistance from the ICANN organization, the GGP Working Group sent letters to the leaders of each of the ICANN Supporting Organizations, Advisory Committees, and the GNSO Stakeholder Groups and Constituencies, inviting them to nominate subject matter experts to join the effort.[17] The participating ICANN community groups confirmed that their subject matter experts already serve as current members of the GGP Working Group; however, the Governmental Advisory Committee (GAC) nominated an additional subject matter expert.[18] While the GGP Working Group may still request specific subject matter experts as needed, it believes that the significant experience and expertise of its current participants allow it to consider Task 2 as complete.

In January 2023, the GGP chair reported on the progress of the working group to the GNSO Council. Periodic communication with the GNSO Council is typical for a GNSO policy development policy (PDP) working group, but this would be the first GNSO Council update concerning the progress of a GNSO Guidance Process.

REQUIRED LISTENING

Please listen to the **19 January 2023 meeting** of the GNSO Council.
- **26:00 - 36:30 The chair presents a snapshot of the GGP Working Group's progress on its assigned tasks. (Required)**
- Please note that the timeline presented during this meeting has since been updated.

Following Task 2, the GGP Working Group began its deliberations on Tasks 3, 4, and 5. While the goals of each task are unique, these tasks were grouped together as they each pertain to Implementation Guidance 17.9 about metrics to measure success. As part of a united effort, the GGP Working Group is currently engaged in identifying and prioritizing these metrics, as well as considering their operationalization and potential impacts to ASP "outreach, education, business case development, and application evaluation."[19]

The GGP Working Group began addressing Tasks 3, 4, and 5 by gathering member inputs on the potential data points identified in Implementation Guidance 17.9 of the SubPro Final Report. They found many of these metrics useful as launching points for further discussion. For example, one potential metric is the level of awareness about the Applicant Support Program. The GGP Working Group has discussed whether the success of awareness-raising should not

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[17] See "GNSO Guidance Process (GGP) Applicant Support Task 2 Input Request,"
https://community.icann.org/pages/viewpage.action?pageId=222266677&preview=/222266677/222267127/GGP%20Applicant%20Support%20Working%20Group%20Task%202%20Input%20Request%20DRAFT%5B3%5D.pdf
[18] See Notes from "2023-02-27 Applicant Support GGP - Meeting #07,"
https://community.icann.org/pages/viewpage.action?pageId=231374895
[19] See "GNSO Guidance Process (GGP) Initiation Request for Select New gTLD Subsequent Procedures Topics,"
https://gnso.icann.org/sites/default/files/policy/2022/draft/draft-subpro-ggp-initiation-request-clean-26oct22-en.pdf

only be measured by the number of outreach events or ASP applications submitted, but also by the feedback from potential applicants who were informed about the Applicant Support Program and decided to apply or not. This feedback could be captured through use of polls or surveys, and could help to inform and improve future outreach efforts.

The GGP Working Group has also discussed quantifying certain goalposts to more easily measure success; for example, receiving at least (x) number of requests for Applicant Support with no more than (y) percent of requests from any one continental region. The GGP Working Group believes that fostering a diverse pool of applicants, particularly from under-represented regions, should be a priority when the ICANN organization targets its outreach efforts.

REQUIRED LISTENING

Please listen to the **6 February 2023 meeting** of the GGP Working Group to gain further insight into their discussions pertaining to Tasks 3, 4, and 5.
- **04:00 - 18:45 Discussion about possible metrics and measurements of ASP success. (Required)**
- 18:45 - 1:01:19 Discussion about drafting and implementation of guidance recommendations. (Supplemental)

At this time, the GGP Working Group's deliberations about which metrics to measure, prioritize and operationalize for a successful Applicant Support Program are still in progress. However, the contributions of GGP members in discussions and homework have formed the beginning of a cohesive plan. With support from the ICANN organization, the GGP Working Group's inputs have been organized into a draft document which the group is currently using to refine and strengthen their ideas for guidance recommendations related to Tasks 3, 4, and 5. The working group began collaborating on this draft working document during their meeting at the ICANN76 Community Forum. This will not be the final iteration of the working group's guidance recommendations, but rather, one of the early ways their outputs have come together.

REQUIRED LISTENING

Please listen to the **13 March 2023 ICANN76 session** of the GGP Working Group to learn about the different concerns and approaches expressed regarding who should be targeted for ASP outreach.
- 02:00 - 18:50 Overview of the GGP for Applicant Support and explanation of the Tasks 3-5 draft working document (Supplemental)
- **18:50 - 44:00 Discussion about the prioritization of outreach efforts. (Required)**
- 44:00 - 1:19:28 Continued review of the Tasks 3-5 draft working document and metrics to measure success throughout the life cycle of the Applicant Support Program. (Supplemental)

ICANN community projects have various methods of project management and tracking. For the GGP, there is a monthly project tracking dashboard. The GNSO Council uses this dashboard, and others like it, as tools to track all GNSO policy efforts. The GGP project tracking dashboard allows the project team and ICANN organization to view the status of GGP tasks and forecast future work to be completed. At a glance, the dashboard allows high-level decision makers to get a basic understanding of the GGP's progress. By reviewing different sections of the

dashboard, such as the Gantt Chart on page 4, project managers and members of the working group can see how individual tasks are progressing. Other analytics can be used to allocate future working hours.

REQUIRED READING

Please read the **February GGP Project Tracking and Rollup Dashboard** to view the estimated progress (as of 28 February 2023) for various tasks that have been completed, are in progress, or not started for the GNSO Guidance Process (GGP) for Applicant Support.
- The purpose of the dashboard is to be a general reference point for the GNSO Council to track the project's status.
  - Please note, the dates and percentages within the dashboard are estimates and not to be considered final or definitive.
  - The dashboard is published monthly and updated documents will be found here.
- Table of Contents
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  - **Page 4: Gantt Chart for all tasks, both implicit and explicit**
  - Page 5: Table of Meeting Action Items and their statuses

2.B. Next Steps

The GNSO Guidance Process (GGP) Working Group has proposed many ideas and questions in pursuit of effective metrics in line with Tasks 3, 4, and 5. When the GGP Working Group completes these tasks, it is expected to begin substantive deliberations on Task 6. This task will entail recommending a methodology for allocating financial support if there is not enough funding for all qualified applicants.

Once all of its tasks have been completed, the GGP Working Group will produce a Proposed GNSO Guidance Recommendation(s) Report and publish it for Public Comment. After considering all Public Comment submissions and modifying its guidance recommendations as needed, the GGP Working Group expects to submit its Final GNSO Guidance Recommendation(s) Report to the GNSO Council.