At-Large Proposal for Subsequent Procedures Recommendation 17.2 on Applicant Support

Update/Consultation with the At-Large CPWG

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ICANN AT-LARGE

Background

- At ICANN77, ICANN Board signaled likely non-adoption of

    *"SubPro Rec 17.2: The Working Group recommends **expanding the scope of financial support** provided to Applicant Support Program beneficiaries **beyond the application fee** **to also cover costs** **such as** application writing fees and attorney fees **related to the application process**."*

    Why? ICANN Board's concerns are 2-fold:

    1. Scope of financial support to be offered is non-exhaustive (i.e. "such as"); and
    2. Question of fiduciary duty in requiring ICANN to pay third party service providers, whose work ICANN is essentially evaluating, either directly or indirectly.

- Since ICANN77, GNSO Council Small Team on SubPro
    - Working on how to resolve Board's concerns
    - Now open to receiving proposal from ALAC for consideration

Solving Concern No. 1: "Non-exhaustiveness"

- ◉ What Support Is Needed?

  - ○ List of services needed <u>throughout</u> application process up to "approval"

  - ○ Service providers well versed with:

    - ASP Criteria: public interest benefit, financial need, financial capabilities

    - TLD operations: technical & non-technical, eg. business models, marketing, registrar-reseller relationships, back-end RSP

    - ICANN processes & policies, New gTLD application process

    - Applicant's operating jurisdiction: legal

    - And more?

  - ○ *Preferably, support for post-approval stage as well*

Solving Concern No. 1: "Non-exhaustiveness"

Pre-Application Submission & Application Submission Phases	Evaluation Phase	PDT, Approval & Contracting

• Consultant: DNS/TLD business model advice
• Consultant: operations, marketing, branding, sustainability planning
• Legal: US & Local
• Consultant: Program Expertise in ASP, Community-based TLDs & CPE, Application Writing
• Consultant: Selection of Registry Back-end Service Provider
• Consultant: DNSSEC, IPv6 Compatibility
• Consultant: IDN Implementation, IDN Variant Management
• Consultant: Translation
	• Consultant: Program expertise, legal support for filing / defending
	   ❑ Challenges
	   ❑ Appeals
	• Consultant: Program expertise, legal – developing enforceable PICs/RVCs
	• Consultant: Community Priority Evaluation (CPE)
	• Filing fees: Extended evaluations, Objections, CPE
	• Bid credit for ICANN Auctions of Last Resort
		• Legal: contracting with ICANN, Registry Back-end Service Provider, etc
		• Built-in entitlement to apply for a reduction, waiver or deferring of payment of annual registration fees based on circumstances

Notes: • Need for Confidentiality !!	**Notes:** • Need for support should not stop at application submission	

Solving Concern No. 2: "Arm-Length Access"

⊙ How to Provide Support?

Options	Implications
1. Incubator Model	• Need a credible operator who can attract, vet & manage globally dispersed pro bono service providers, then effectively match them with applicants • Need to be able to safeguard each applicant's interest + confidentiality • ICANN funds incubator operator under specified T&Cs; Incubator operator could seek third party $ support • No $ to applicant for services taken
2. ICANN Grant Program	• Need applications to be evaluated and approved independently of the Board, and New gTLD Program operator • $ support likely capped
3. Direct lump sum reimbursement to successful ASP applicant	• Cleanest way to disburse ASP funds • Applicant decides themselves how to spend funds – free to engage pro bono or paid service provider • $ support likely capped
Notes:	• Need for support should not stop at application submission in all options

4. Tentative Timeline

Activity	Deadline
1. Comment on Draft Proposal	14 Aug
2. Finalize Proposal	16 Aug
3. ALAC Endorsement	17-18 Aug
4. Submission to GNSO Council Small Team	18 Aug

End

Thank you for your participation & input to the ALAC for the GNSO