

# ALAC Proposal for Subsequent Procedures Recommendation 17.2 on Applicant Support

## Update/Consultation with the At-Large CPWG

Justine Chew  
ALAC Liaison to the GNSO

16 August 2023



# 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. **‘Complete’**: Scope of financial support to be offered is non-exhaustive (i.e. “such as”); and
2. **‘Arm’s Length’**: 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

# ALAC Proposal on Rec 17.2

---

## ⊙ Bases

- **Essential:** ASP is very much needed
- Rec for reduction in application fees stands (this is outside of Rec 17.2)

## ⊙ Completeness

- **Holistic:** Not only get qualified applicants “through the door” but also to provide some buffer to survive/succeed
  - Support throughout application and evaluation processes up to “approval
  - Preferably, support for post-approval stage as well
- 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

## ⊙ Arm’s Length

- No payment to service providers directly

# Holistic Applicant Support Program

---

## Full slate of ASP services

### Pre-Application Submission & Application Submission Phases

- 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

### Evaluation Phase

- Consultant: Program expertise, legal support for filing / defending
  - Challenges
  - Appeals
- Consultant: Program expertise, legal – developing enforceable PICs/RVCs
- Consultant: Community Priority Evaluation (CPE)

### PDT, Approval & Contracting

- Legal: contracting with ICANN, Registry Back-end Service Provider, etc

## + Additional financial & non-financial support

- Evaluation Fees / Filing fees: Extended evaluations, Objections, CPE
- Bid credit for ICANN Auctions of Last Resort
- Contractually built-in entitlement to apply for a reduction, waiver or deferring of payment of annual registration fees based on circumstances

# ALAC Proposal on Rec 17.2: Two options

Option:	1: ASP Incubator	2: Reimbursement
Run by:	Third party operator (not New gTLD Program Operator)	ICANN Org New gTLD Program Operator
Expected services:	<p>Full slate of services by pro-bono service providers</p> <ul style="list-style-type: none"> <li>Operator to attract, vet &amp; manage globally dispersed pro-bono service providers</li> <li>Operator to effectively match service providers with applicants</li> <li>Confidentiality to be built-in</li> </ul>	<p>Whatever slate of services by service providers</p> <ul style="list-style-type: none"> <li>ICANN org to call for globally dispersed service providers</li> <li>Applicants to select service providers themselves – no-matching by ICANN</li> <li>Confidentiality to be demanded by applicant themselves</li> </ul>
Access:	No \$ transaction with successful ASP applicant	<ul style="list-style-type: none"> <li>Lump sum \$ reimbursement to successful ASP applicant with production of receipts (i.e. payment already made by applicant)</li> </ul>
Availability:	Throughout the program, limited only by availability of service providers	One-off payment, capped at US\$[x]
Supplements and/or Tie-ins:	<ul style="list-style-type: none"> <li>Evaluation Fees / Filing fees: Extended evaluations, Objections, CPE</li> <li>Bid credit for ICANN Auctions</li> <li>Built-in entitlement to apply for reduction, waiver, deferring of annual reg fees</li> <li>(ICANN Grant Program)</li> </ul>	<ul style="list-style-type: none"> <li>Bid credit for ICANN Auctions</li> <li>(ICANN Grant Program)</li> </ul>
Key Difference:	ASP Fund largely utilized for incubator operation but benefit likely more impactful	ASP Fund largely preserved for successful applicant, but benefit likely less impactful

**Which of  
Option 1: ASP Incubator or  
Option 2: Reimbursement  
do you think might be  
better for ASP applicants?**

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