

ALAC Proposal for Subsequent Procedures Recommendation 17.2 on Applicant Support

Update/Consultation with the At-Large CPWG

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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
Range of services:	<p>Full slate of ASP services by pro-bono service providers</p> <ul style="list-style-type: none"> Operator to attract, vet & manage globally dispersed pro-bono service providers Operator to effectively match service providers with applicants Confidentiality to be built-in 	<p>Per full slate of ASP services</p> <ul style="list-style-type: none"> ICANN org can call for globally dispersed service providers, but applicant to self-select, no-matching by ICANN org Or applicants can select their own service providers Confidentiality to be demanded by applicant themselves
Access:	No \$ transaction with successful ASP applicant	<ul style="list-style-type: none"> Lump sum \$ reimbursement to successful ASP applicant with production of receipts (i.e. payment already made by applicant)
Availability:	Throughout the program, limited only by availability of service providers	One-off payment, capped at US\$[x], limited to list of full slate of ASP services
Supplements and/or Tie-ins:	<ul style="list-style-type: none"> Evaluation Fees / Filing fees: Extended evaluations, Objections, CPE Bid credit for ICANN Auctions Built-in entitlement to apply for reduction, waiver, deferring of annual reg fees (ICANN Grant Program) 	<ul style="list-style-type: none"> Bid credit for ICANN Auctions (ICANN Grant Program)
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**