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### **ALAC Proposal for Subsequent Procedures Recommendation 17.2 on Applicant Support**

The ALAC is pleased to submit to the GNSO Council SubPro Pending Recommendations Small Team its proposal on resolving the two concerns indicated by the ICANN Board SubPro Caucus members regarding Subsequent Procedures Recommendation 17.2 on Applicant Support as it is currently worded.

*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*

Where the two concerns raised were:

1. Scope of financial support to be offered being non-exhaustive given “such as”; and
2. Fiduciary duty concerns in requiring ICANN to pay third party applicant support service providers whose work ICANN is also essentially evaluating, either directly or indirectly.

The ALAC reinforces its position that the Applicant Support Program (ASP) is an essential component of the New gTLD Program, and notes that there is community-wide support for the ASP. The ALAC’s proposal to resolve the aforementioned concerns is premised on:

**Completeness.** To address the Board’s concern around “non-exhaustiveness” in the scope of financial support to be offered, the ALAC proposes that the list of applicant support services and type of third party services providers be fully enumerated. Further to this, the ALAC believes the approach to providing applicant support services must be **holistic** in order to be able to support deserving applicants throughout the application and evaluation processes up to approval, and preferably including support for the post-approval stage as well.

**Arm’s Length Transaction.** To address the Board’s “fiduciary duty concerns”, the ALAC believes that all that is required is that there be no payment made directly to third party services providers involved.

The ALAC believes that the optimal way to implement a holistic ASP is by way of an **ASP Incubator**, as described below.

The ASP must be holistic in its approach: it is not just to support qualified applicants “through the door” but also to provide assistance and a buffer for them to survive and succeed. Thus, the ASP Incubator should:

- Be run by multiple third party operators with regional presence/operations.
- Provide a full slate of applicant support service through pro-bono service providers, where
  - The incubator operator(s) would attract, vet, and manage globally dispersed pro-bono service providers
  - The incubator operator(s) would effectively match service providers with applicants
  - The incubator operator(s) would guarantee that applicants enjoy confidentiality over their respective arrangements with selected service providers.
- Require no monetary payment from applicants to access the applicant support services, nor to service providers who would be providing services on a pro-bono basis.
- Make a full slate of applicant support service available throughout the New gTLD Program, limited only by the availability of service providers. The full slate of applicant support services being:

Pre-Application Submission & Application Submission Phases

Evaluation Phase

Post Delegation Testing, Approval & Contracting

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| <ul style="list-style-type: none"> <li>○ Consultant: DNS/TLD business model advice</li> <li>○ Consultant: operations, marketing, branding, sustainability planning</li> <li>○ Legal: US &amp; Local</li> <li>○ Consultant: Program Expertise in ASP, Community-based TLDs &amp; CPE, Application Writing</li> <li>○ Consultant: Selection of Registry Back-end Service Provider</li> <li>○ Consultant: DNSSEC, IPv6 Compatibility</li> <li>○ Consultant: IDN Implementation, IDN Variant Management</li> <li>○ Consultant: Translation</li> </ul> | <ul style="list-style-type: none"> <li>○ Consultant: Program expertise, legal support for filing / defending               <ul style="list-style-type: none"> <li>■ Challenges</li> <li>■ Appeals</li> </ul> </li> <li>○ Consultant: Program expertise, legal – developing enforceable PICs/RVCs</li> <li>○ Consultant: Community Priority Evaluation (CPE)</li> </ul> | <ul style="list-style-type: none"> <li>○ Legal: contracting with ICANN, Registry Back-end Service Provider, etc</li> </ul> |
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In addition, applicants should be supplemented with and/or enjoy tie-ins:

- Support for evaluation fees or filing fees to the applicant for Extended Evaluations (if any), Objections, CPE (where the application is for a Community TLD that is placed in a contention set)
- Bid credits for participation in an ICANN Auction of Last Resort
- Contractual entitlement to apply for reduction, waiver or deferral of annual registration fees (if triggered) and based on case-by-case circumstances
- ICANN Grant Program (where feasible)