DRAFT New gTLD Program: Next Round Applicant Support Program Handbook

Guide to Applying to the Applicant Support Program of the New Generic Top-Level Domain Program: Next Round

10 June 2024



NOTE: Bracketed text remains under development

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1. Introduction

1.1. ICANN and its Mission

The mission of the Internet Corporation for Assigned Names and Numbers (ICANN) is to ensure the stable and secure operation of the Internet's unique identifier systems. To reach another person on the Internet, you need to type an address – a name or a number – into your computer or other device. That address must be unique so computers know where to find each other. ICANN helps coordinate and support these unique identifiers across the world. ICANN was formed in 1998 as a nonprofit public-benefit corporation with a community of participants from all over the world.

1.2. The Applicant Support Program

ICANN developed the Applicant Support Program (ASP) as part of its New Generic Top-Level Domains (gTLD) Program. The ASP is a global program intended to provide financial and non-financial assistance to eligible entities that demonstrate need and wish to apply for and operate a gTLD in the Domain Name System (DNS).

As part of the New gTLD Program: Next Round, the ASP is designed to be in line with Affirmation 1.3 of the <u>Final Report on the new gTLD Subsequent Procedures Policy</u>

<u>Development Process</u>: "The Working Group affirms that the primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS." More details about eligibility criteria and the types of entities that qualify for support are provided in <u>Section 4</u>.

1.3. Handbook Objectives

This handbook establishes the rules for applicants seeking assistance to apply to the New gTLD Program. It provides a guide to the application process and includes information regarding deadlines, criteria, and evaluation processes.

Please note that the New gTLD Program: Next Round will be in development during the ASP application submission period. ASP applicants are therefore encouraged to review previously published New gTLD Program resources in the interim. These resources will inform interested parties about the estimated costs and draft requirements of applying to the New gTLD Program: Next Round and enable these parties to make an informed decision about whether to apply to the program.

These resources include:

- 1. New gTLD Program website
- 2. <u>Draft New gTLD Program: Next Round Applicant Guidebook Materials on the Subsequent Procedures Implementation Review Team (IRT) Wiki Workspace</u>
- 3. [New gTLD Applicant Guidebook: Next Round]: Note that the Applicant Guidebook for the New gTLD Program: Next Round is being updated in consultation with the Implementation Review Team. Based upon updated policy recommendations outlined in the Final Report on the new gTLD Subsequent Procedures Policy Development

- Process, the Guidebook serves as the official roadmap for applicants in the program.
- 4. The 2012 version of the New gTLD Applicant Guidebook (for historical reference)



Please address any questions regarding the ASP or ASP Handbook to: globalsupport@icann.org.

1.4. Terms and Conditions

All ASP applicants should read and must agree to the terms and conditions for the ASP application process. Please refer to <u>Section 7: Terms and Conditions</u> for more details. (Also see [<u>Section 4.6: Restrictions</u>])

2. Overview

The Internet is a global resource. One critical part of its infrastructure is the Domain Name System (DNS), which makes this vast network navigable. The DNS enables us to use easy-to-remember names instead of Internet Protocol addresses (series of numbers) to reach a website. The ASP aims to serve the global public interest by fostering diversity, encouraging competition, and enhancing the utility of the DNS. In addition to meeting other evaluation criteria (e.g., financial need, financial viability), ASP applicants must qualify as one of the five eligible entity types: 1) nonprofits/nongovernmental organizations and charities; 2) intergovernmental organizations; 3) indigenous/tribal organizations; 4) micro or small business social enterprise; 5) micro or small business operating in a developing economy.

The intent of the ASP is to make the New gTLD Program application and evaluation processes and fees more accessible to entities that would like to operate a registry but would otherwise be unable to apply, because of financial and resource constraints. ASP applicants that qualify will receive percentage-based reductions on the base gTLD application fee and other gTLD evaluation fees, as outlined in Section 4.1: New gTLD Program Application and Evaluation Fees.

2.1. Support Available to Qualified ASP Applicants

The ASP will provide qualified applicants (also referred to in the Handbook as "supported applicants") the opportunity to pay reduced New gTLD Program application and evaluation fees (see New gTLD Program Application and Evaluation Fees). Supported applicants also will have access to a package of non-financial support to assist them in submitting a gTLD application.

This handbook outlines the financial and non-financial assistance that **supported** ASP applicants may receive. The package includes:

- 1. [An ASP training program (Pending Board consideration of the community's supplemental policy recommendation (17.2)]
- 2. Access to *pro bono* (volunteer) service providers* that have agreed to volunteer their services to supported applicants.
- 3. Resources and information for potential applicants to better understand the New gTLD Program, what it means to operate a gTLD, and how to participate in ICANN's multistakeholder community.
- 4. [Access to Applicant Counselors to help answer questions about the gTLD application process and provide guidance on where to find available resources (Pending Board consideration of the community's supplemental policy recommendation (17.2)]
- 5. A [75-85%] reduction in New gTLD Program application and evaluation fees [which fees TBC] for supported applicants.
- 6. A [bid credit or multiplier–TBD pending research results] applied to supported applicants participating in an ICANN Auction of Last Resort, which could occur if one or more gTLD applicants apply for the same string/gTLD (otherwise known as "string contention"). [The type of auction support will be determined as part of the implementation of SubPro Final Report Topic 35. See pp. 173-182: https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf]

7. [Reduced or waived base Registry Operator fees, should the supported applicant prevail in the gTLD program evaluation and proceed to contracting and delegation. (Pending Board consideration of the community's supplemental policy recommendation (17.2))]

Reduction of New gTLD Program Application and Evaluation Fees

Qualified ASP applicants will be eligible to receive a [75-85%] reduction in New gTLD Program application and evaluation fees, as outlined in Table 2.

New gTLD Program Application and Evaluation Fees

Table 2. New gTLD Program: Next Round application and evaluation fees with ASP reduction fees for qualified ASP applicants

New gTLD Program Application and Evaluation Fees/Cost Description	Reduction for Qualified ASP Applicants
New gTLD Program Application base fee reduction	[at least 75%; up to 85%]
[Other applicable evaluation fees within the New gTLD Program]	[at least 75%; up to 85%]
Auction [bid credit/multiplier] [TBD - based upon further research]	[TBD]

[Please see Appendix 3. for information regarding the ASP Funding Plan, including the number of supported applicants that ICANN org anticipates being able to support within the available budget.]

^{*}Pro bono service providers are independent from ICANN. Pro bono services are not endorsed or contracted by ICANN, though ICANN may play a facilitative role in making supported applicants aware of the services available, should applicants seek to utilize them. ICANN is working to identify service providers that have made themselves available and will provide a list of those vendors to supported applicants.

2.2. Evaluation Phases and Categories

This section describes the assessments that are performed to evaluate an application for support:

- 1. General business due diligence
- 2. Public responsibility due diligence
- 3. Financial need
- 4. Financial viability
- 5. Applicant is an eligible entity

The evaluation will be conducted in two phases as outlined below. Phase 2 evaluation will be conducted by a third-party vendor managing a Support Applicant Review Panel (SARP).

Phase 1: All ASP applicants must pass the general business due diligence process before moving to Phase 2.

- 1. **General business due diligence:** This pre-screening includes:
 - ✓ Legal compliance check;
 - ✓ Confirming that all required documentation has been submitted;
 - ✓ Confirming that the applicant meets the New gTLD Program: Next Round eligibility criteria noted in the Applicant Guidebook for the New gTLD Program: Next Round [Next Round AGB Section X.X.; for historical reference, please see Eligibility from 2012 AGB in Section 8: Additional Information]; and
 - ✓ Background screening and cybersquatting history check.

Applicants that do not pass the general business due diligence pre-screening will not be considered for Phase 2 ASP evaluation. Applicants that pass general business due diligence will proceed to Phase 2 evaluation.

Phase 2: All ASP applicants will be evaluated against the following evaluation categories (see Figure 2. High-Level Eligibility Flowchart)

2. Public responsibility due diligence:

- ✓ Applicant does not produce, trade in, or promote an industry/string that is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law (see Section 4.2: Public Responsibility Due Diligence); and
- ✓ Applicant is not affiliated with an existing gTLD Registry

- Operator and/or another prospective gTLD applicant in the next round that would not meet the ASP criteria.
- 3. **Financial need:** The applicant could not otherwise afford to apply to the New gTLD Program without financial hardship.
- 4. **Financial viability**: The applicant demonstrates a plan to cover the base gTLD application fee and, upon qualifying, will submit a deposit.
- 5. **Eligible Entity Categories:** The entity applying for support meets at least one of the eligibility categories and indicators, as articulated in <u>Section 4.5: Eligible Entity Categories</u>.

2.3. ASP Evaluation vs. gTLD Evaluation

Qualifying for the ASP does not automatically result in an approved application for a new gTLD. The ASP and the New gTLD Program have two distinct application processes, each with their own requirements and evaluations. All gTLD applicants will need to pass those requirements, regardless of any previous evaluations conducted during the ASP.

Relevant application information from the ASP Application System is anticipated to be available for use in the gTLD Application System when supported applicants begin their new gTLD application process.

All new gTLD applicants—supported or not—are required to submit a completed application for a new gTLD, which requires demonstration of the technical, operational, and financial capabilities needed to operate a gTLD. Applicants that **apply for, but do not qualify for, support are still welcome to submit a new gTLD application**, but would be required to pay the full gTLD application and evaluation fees.

3. Applicant Support Program Timeline

ICANN currently plans to accept ASP applications between [CYQ4 2024 to CYQ4 2025]. Applications will be evaluated and results shared with applicants on an ongoing basis. Applicants are likely to receive evaluation results between [12-16 weeks] of submitting an application. This [12-16 week] timeframe is an estimate and assumes a complete application has been submitted and that no further information is required. Additional, unplanned interactions with the applicant will extend the timeframe for receiving results, as well as submitting documentation that requires translation.

ASP applicants are strongly encouraged to apply early for the following reasons:

- 1. ICANN has budgeted support for up to 40 applicants at an 85% fee reduction. Should demand exceed this amount, the fee reduction can be reduced to [75%] to cover up to [45] supported applicants. However, it is important to recognize program resource limitations.
- 2. Since ASP evaluations will be conducted on an ongoing basis, the first applicants to apply and qualify for support will be able to take advantage of the resources available. Those that apply after the available resources have been expended may have to wait until future cycles of the program.
 - a. Example: An ASP applicant that applies and qualifies for support by April 2025 will have a full 12 months to take advantage of the non-financial support prior to the gTLD application submission period.
- 3. To take advantage of available support and resources to assist with preparing a gTLD application. For example, New gTLD Program applicants need time to negotiate with Registry Service Providers (RSPs) in advance of submitting a gTLD application and may want to utilize pro bono (volunteer) services available. Access to additional non-financial support will be most beneficial if the supported applicant has adequate time to utilize those resources.
- 4. To avoid a situation where the results of an applicant's ASP evaluation are pending during the gTLD application submission period. This may cause the applicant to have to pay the full gTLD application fee to meet the deadline while waiting for the results of the ASP evaluation. Should the applicant later qualify for support, ICANN org would refund the applicant's supported portion of the gTLD application fee.

Table 1. ASP Timeline and Key Dates (*Note: Dates are subject to change*)

Date	Description
[Q4 2024]	 Application submission period for ASP opens. Applicants register, upload application documentation, and submit information necessary to be assessed in each of the five evaluation categories. Applications that pass General Business Due Diligence are sent to the Support Applicant Review Panel of third-party evaluators for review. Applicants receive evaluation results [generally 12-16 weeks] after their application is confirmed to be complete. As noted in Section 4.6: Restrictions, applicants are not permitted to re-apply for support within the current round of new gTLD applications. (This does not preclude applicants from applying to the ASP in future new gTLD program application rounds.)
[Q4 2025]	 The application submission period for ASP closes; no additional ASP applications will be accepted for this round.
[April 2026]	The New gTLD Program: Next Round application submission period opens Note: The gTLD application submission period is expected to be open for 12-15 weeks.

Submission of ASP Deposit

Applicants that qualify for support will be required to submit a [\$2,500 USD] deposit on their gTLD application. The applicant will be "conditionally approved" pending receipt of this deposit. The deposit must be submitted to ICANN within 30 days of receiving notice of their results. The deposit serves as the last step in the ASP evaluation process; once received, the applicant moves from "conditionally approved" to "fully approved" and becomes a qualified ASP applicant (per financial viability criteria and indicators). The deposit also signals the applicant's intention to apply for a new gTLD. Submitting a deposit will grant the supported applicant access to the package of financial and non-financial support available. Also see Section 6.4: Evaluation Results and Appendix 2.

Exceptions to this timing may be made on a case-by-case basis. If an applicant has qualified for support *but does not intend to submit a gTLD application*, it is critical for that applicant to communicate this to the ASP as quickly as possible so that support can be made available for other eligible applicants.

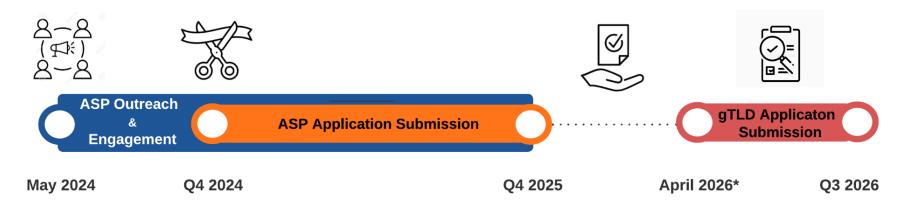
The ASP application submission period is [twelve months]. The deadline for submitting ASP applications is [six months] prior to the opening of the New gTLD Program application submission period. ICANN org retains the option to modify the ASP application submission period and will communicate the extension accordingly so that applicants and potential applicants are aware.

Example scenarios for when ICANN may consider extending the ASP application submission period include: 1) fewer than 40 applicants have qualified for support; 2) there is remaining budget and some ASP applications are in progress but have yet to be submitted for evaluation.

The intent is for all ASP applicants to have the results of their evaluation before applying to the New gTLD Program. Depending on the volume of ASP applications received in the final weeks of the application submission period, applicants may not know whether they have qualified for support in advance of the gTLD application submission period opening. See <u>Table 1</u> and <u>Figure 1</u>.

[ICANN org and the evaluators will make every effort to evaluate ASP applications and communicate results as quickly as possible. In the case that an ASP applicant is still waiting for its results, the applicant may need to submit a gTLD application and pay the base gTLD application fee and other gTLD evaluation fees. The ASP applicant would be eligible for a refund should the applicant qualify for support. ICANN will ensure that any refunds are processed as quickly and efficiently as possible.]

Figure 1. High-Level Flow of ASP and gTLD Program Timelines



^{*}The New gTLD application submission period is projected to open April 2026 for 12-15 weeks. Dates are subject to change.

4. Applicant Eligibility and Evaluation Categories

The ASP is designed to provide financial and non-financial support to qualified candidates, as defined in the criteria and indicators below. ASP criteria are distinct from the criteria for approval of a New gTLD Program application, which are oriented toward determining applicants' capabilities to successfully operate a gTLD registry (See: [New gTLD Applicant Guidebook: Next Round]).

The ASP application requires documents and responses to questions to demonstrate that the applicant meets all program criteria and requirements. (Also see <u>Section 3: Applicant Support Program Timeline</u> and <u>Appendix 4</u> for more information on documents submitted in a language other than English.)

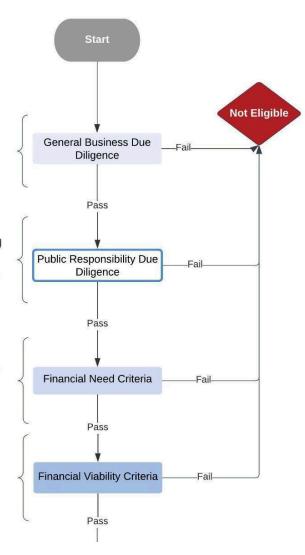
As noted, <u>ASP applicants are advised not to submit information about their intended New gTLD Program application string when applying to the ASP.</u> This will help protect the confidentiality of applicants' business information in advance of the opening of the application submission period for the New gTLD Program: Next Round.

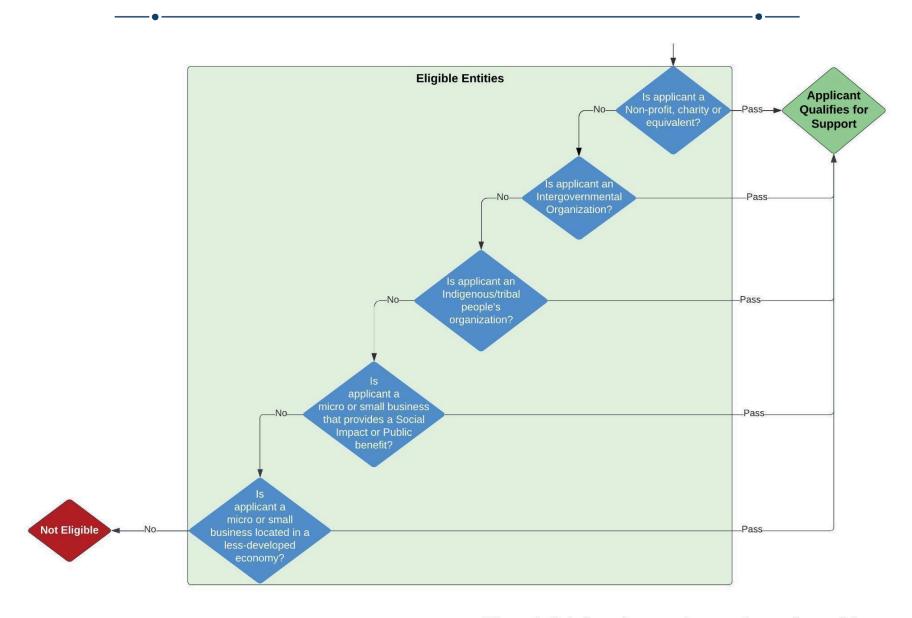
Figure 2. High-Level Eligibility Flowchart

- New gTLD: Next Round Eligibility Criteria
- Completeness Check
- Legal Compliance Check
- Background Screening
- Cybersquatting History Check
- Applicant does not produce, trade in, or promote the industries indicated. Nor does the applicant intend to apply for a gTLD string representing and/or promoting an excluded industry.
- Applicant is not affiliated with an existing gTLD Registry Operator and/or another gTLD applicant in the next round that would not meet the ASP criteria

Paying the **full** gTLD application fee presents a financial hardship for the entity applying.

Ability to pay **unsupported portion** of the New gTLD Program application fee.





*Please note: Evaluations and processes shown are not necessarily sequential

4.1. General Business Due Diligence

General Business Due Diligence		
Criteria: Requirements applicant must meet in this category	Indicators	Details
(a) Legal Compliance Check	Applicants must pass a legal compliance check.	The organization, country, regime, entity, and individuals are not listed on the U.S. Treasury Department's Office of Foreign Assets Control's (OFAC) List of Specially Designated Nationals and Blocked Persons (the SDN List).
(b) Completeness Check	Applicants must submit a complete application to the ASP Application System.	ICANN org conducts a review of each ASP application to determine if all required responses and documentation have been submitted before proceeding to background screening.
	·	If any required documents are missing, ICANN org will inform the applicant and allow them to submit those materials. The application will not be further evaluated until it is complete.
(c) New gTLD Program: Next Round Eligibility Check	Applicants must meet eligibility criteria as noted in the New gTLD Program: Next	ICANN conducts a review of each submitted ASP application to confirm that the applicant meets eligibility criteria before the application proceeds to background screening.
	is anticipated that the next round eligibility criteria will closely follow the gTLD Applicant Guidebook.	New gTLD Program: Next Round Eligibility Criteria: Established corporations, organizations, or institutions in good standing may apply for a new gTLD. Applications from individuals or sole proprietorships will not be considered. Applications from, or on behalf of yet-to-be formed legal entities, or applications presupposing the future formation of a legal entity (for example, a pending joint venture) will not be considered.
	Version 2012-06-04 (Module 1, page 21).]	See page 1-21 of the gTLD Applicant Guidebook, Version 2012-06-04: https://newgtlds.icann.org/sites/default/files/intro-04jun12-en.pdf

General Business Due Diligence		
Criteria: Requirements applicant must meet in this category	Indicators	Details
(d) Background Screening	Applicants must pass a background screening.	ICANN org directs a third-party vendor to conduct a background screening. ICANN org assesses the outcome of the background screening and determines if an application may proceed in the application process. [Exact indicators pending Next Round AGB. It is anticipated that the next round eligibility criteria will closely follow the 2012 Applicant Guidebook (1.2.1).]
(e) Cybersquatting History check	Applicants must pass a cybersquatting history check.	ICANN org directs a third-party vendor to check whether the applicant or individual(s) named in the application has a history of cybersquatting behavior. Cybersquatting as defined in the Uniform Domain Name Dispute Resolution Policy (UDRP), Anti-cybersquatting Consumer Protection Act (ACPA), or has violated other equivalent legislation, or was engaged in reverse domain name hijacking under the UDRP, or bad faith or reckless disregard under the ACPA or equivalent legislation.

4.2. Public Responsibility Due Diligence

Public Responsibility Due Diligence		
Criteria: Requirements the applicant must meet in this category.	Questions the applicant will be asked in the ASP Application System.	Indicators and Instructions
in this category. Applicant does not produce, trade in, or promote an industry/string that is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.	(a) Does the Applicant produce, trade in, or promote an industry/string that is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law?	Confirm that the applicant does not produce, trade in, or promote an industry/string that is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law. Activities that may be considered contrary to generally accepted legal norms relating to morality and public order that are recognized under principles of international law are: • Incitement to or promotion of violent lawless action; • Incitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin, or other similar types of discrimination that violate generally accepted legal norms recognized under principles of international law; • Incitement to or promotion of child pornography or other sexual abuse of children; or • A determination that the entity produces or trades in activities that would be contrary to specific principles of international law as reflected in relevant international instruments of law.
		See pages 3-21 - 3-22 of the gTLD Applicant Guidebook, Version

Public Responsibility Due Diligence		
Criteria: Requirements the applicant must meet in this category.	Questions the applicant will be asked in the ASP Application System.	Indicators and Instructions
		2012-06-04: https://newgtlds.icann.org/sites/def ault/files/guidebook-full-04jun12-en .pdf
Applicant is not affiliated with an existing gTLD Registry Operator and/or another prospective gTLD applicant in the next round that would not meet the ASP criteria.	(b) Is the applicant an affiliate with an existing gTLD Registry Operator and/or another prospective gTLD applicant in the next round that would not meet the ASP criteria?	Confirm the applicant is not an affiliate with an existing gTLD Registry Operator, a Registry Service Provider (RSP), and/or another prospective gTLD applicant in the next round that would not meet the ASP criteria. Note that a relationship with a back-end Registry Service Provider (RSP) is expected and permissible; the RSP cannot have control over the ASP applicant entity, per the definition of "affiliate". "Affiliate" means a person or entity that, directly or indirectly, through one or more intermediaries, or in combination with one or more other persons or entities, controls, is controlled by, or is under common control with, the person or entity specified, and "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a
		person or entity, whether through the ownership of securities, as trustee or executor, by serving as an employee or a member of a board of directors or equivalent governing body, by contract, by credit arrangement or otherwise."

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Public Responsibility Due Diligence		
Criteria: Requirements the applicant must meet in this category.	Questions the applicant will be asked in the ASP Application System.	Indicators and Instructions
		See ICANN's Base Registry Agreement - approved 21 January 2024: https://www.icann.org/en/registry-a greements/base-agreement

4.3. Financial Need

Financial Need		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
Paying the full base gTLD application fee presents a financial hardship for the entity applying.	(a) How would funding support from ICANN enable the applicant to apply for a new gTLD, and how would paying the full base gTLD application fee present a financial hardship?	Describe in a narrative statement how funding support from ICANN would enable the applicant to apply for a gTLD and why paying the full base gTLD application fee presents a financial hardship. The answers should correspond with your financial documentation, description of funding, revenue, cash and cash equivalent sources, including profit and loss and balance sheet, if applicable. (See Appendix 1 for a narrative statement template.)

Financial Need		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
	(b) Provide financial documentation in support of (a).	Upload complete, audited financial statements for the most recently closed fiscal year for the applying entity. Where audited statements cannot be provided, provide either reviewed or compiled financial statements for the most recently closed fiscal year or interim period. All financial statements must be prepared by a third-party accounting firm and include the following: - Signed statement from third-party accounting firm - Balance sheet - Profit and loss statement - Statement of cash flow - Statement of equity - Notes to the financial statements Ms noted above, financial statements must be prepared by a third-party accounting firm based on one of three types: Audit report, review report, or compiled report. If a complete set of "audited" financial statements are not provided, the applicant must provide a statement clarifying whether the set of financial statements submitted have been "reviewed" or "compiled" and why audited statements were not provided, explicitly stating what accounting standards were used to prepare the financial statements provided. The applicant should also include an explanation of why the financial statements submitted were chosen for submission and are the most appropriate set of financial statements to review.

Financial Need		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		The New gTLD Program: Next Round will have similar requirements as noted above.
		To be eligible for consideration, the applying entity cannot, in any of the past two years, have reported: - In excess of USD \$5M revenue from all sources - In excess of USD \$5M Cash and Cash Equivalents (CCE) as reported on the year end balance sheets
		If the entity was not in operation for two years, the financials for the most recent years will be considered. Financial reporting not in USD shall be converted to USD using current exchange rates. Moreover, by applying to ASP, the applicant asserts that it does not have in excess of US \$5M in unreported or unrealized commitments for financing.
		The applying entity may not be [51%] or more owned or controlled by an entity that does not meet the above criteria.
		For operating entities, the cost of the base gTLD application fee is greater than or equal to five percent (or > 1/20) of the organization's annual revenue; for non-operating entities, cash and cash equivalents cannot exceed \$5M USD.
		Example: If the base gTLD application fee is \$250K USD, the applicant must demonstrate that this amount is greater than or equal to 5% its annual revenue; therefore the applicant's annual revenue

Financial Need		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		cannot exceed \$5M USD.

4.4. Financial Viability

Financial Viability		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
Ability to pay the unsupported portion of the new gTLD Program base	How does the applicant plan to cover the unsupported portion of the base gTLD	Describe, in a narrative statement or funding plan, how the applicant plans to cover the unsupported portion of the base gTLD application fee. (See Appendix 1 for a narrative statement template.)
application fee and other gTLD evaluation fees.	application fee?	A \$2500 USD deposit will be required once the applicant has been notified that it has passed evaluation and conditionally qualifies for support. See Section 3: Applicant Support Program Timeline for information about requirements to submit a deposit.

4.5. Eligible Entity Categories

Submitting documentation for multiple entity types does not negatively impact the applicant's eligibility (i.e., if an applicant submits documentation for two entity categories and qualifies for one but does not qualify for another, the applicant still passes the "Eligible Entity" evaluation category). See additional examples below.

Applicant Example 1: If the applicant is a nonprofit/charitable organization and an Indigenous/Tribal Peoples' organization, it may submit documentation to demonstrate eligibility for either category or for both categories. The applicant only needs to meet the criteria and indicators for one entity type to pass the "Eligible Entity" evaluation criterion.

Applicant Example 2: If the applicant is a small-business social enterprise and principally located in a developing economy, it may submit documentation to demonstrate eligibility for either or for both categories. The applicant only needs to meet the criteria and indicators for one entity type to pass the "Eligible Entity" evaluation category.

Please see Figure 2: High-Level Eligibility Flowchart

4.5.1. Eligible Entities - Nonprofits, charities, or equivalent		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
The organization must be a registered, recognized nonprofit, nongovernmental, and/or charitable organization with relevant regulatory authority.	(a) Is the applicant a registered, recognized nonprofit, nongovernmental, and/or charitable organization with a relevant regulatory authority?	Upload a formal document or certificate from relevant regulatory authorities, acknowledging the applicant's charitable status if the applicant answered "Yes" to this question. Some governments recognize charities/nonprofits. Therefore, documentation may be submitted to

4.5.1. Eligible Entities - Nonprofits, charities, or equivalent		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		demonstrate nonprofit/charitable status.
The organization must have a current, valid Equivalency Determination certificate completed by a qualified tax practitioner.	(b) Does the applicant have a current, valid Equivalency Determination certificate completed by a qualified tax practitioner? Required only if the requested documentation in (a) is not provided.	Upload a current, valid Equivalency Determination certificate completed by a qualified tax practitioner. This is required if a formal document or certificate acknowledging the applicant's charitable status is not available. A qualified tax practitioner may be an attorney, accountant, or other licensed professional with credentials certifying their expertise in making this type of determination. An equivalency determination is a good faith determination that a non-U.S. organization is the equivalent of a U.S. public charity. See NGO Source resource for more information.
If the applicant does not meet a) or b) requirements, then it needs to respond to the following questions c) through i) to determine nonprofit /	(c) Does the applicant certify that it is organized for charitable purposes (via localized eligibility definitions)? If the entity does not have nonprofit/charitable status from a regulatory authority, then questions (c) - (i) will be required. (d): If applicable, does the applicant certify that it is primarily	Confirm that the applicant is organized for charitable purposes (via localized eligibility definitions). Applicant's governing documents will be reviewed to confirm this statement. Governing documents will be required in (h). Confirm that the applicant is primarily engaged in activities that are
charitable status.	engaged in activities that are charitable – defined as at least 85% of its overall operational resources are dedicated to accomplishing one or more charitable objectives?	charitable, defined as at least 85% of its overall operational resources – including direct program expenditures but also time and overhead – are dedicated to accomplishing one or more charitable objectives.

Indicators and Instructions Applicant's governing documents will be reviewed to confirm this statement. Governing documents will be required in (h). Confirm that the applicant's assets, pon dissolution, will be transferred or charitable purposes.
e reviewed to confirm this statement. Governing documents will be required in (h). Confirm that the applicant's assets, pon dissolution, will be transferred
pon dissolution, will be transferred
applicant's governing documents nd/or applicable local legal
equirements will be reviewed to onfirm this statement. Governing ocuments will be required in (h).
confirm the applicant does not ngage in political activities or olitical campaigns for public office, ncluding supporting political ampaigns, raising funds for political andidates, making campaign ontributions, publicly supporting or pposing political candidates, posting artisan messaging online, comparing ne organization's stance on an issue of a political candidate's views.
dvocacy activities such as sharing est practices, success stories, model egislation examples, providing bjective analysis and research, oalition building, hosting events, igning petitions, recruiting olunteers, among other activities. Applicant's governing documents will e reviewed to confirm this statement.
lot dv es egi bje oa igr olu

applicant certify that its net assets do not benefit private persons or non-charitable organizations and is not an affiliate for a for-profit entity.	4.5.1. Eligib	igible Entities - Nonprofits, charities, or equivalent		
applicant certify that its net assets do not benefit any private persons or non-charitable organizations and is not an affiliate for a for-profit entity? If the entity does not have nonprofit/charitable status from a regulatory authority, then questions (c) - (i) will be required. do not benefit private persons or non-charitable organizations and the applicant is not an affiliate of a for-profit entity. For the avoidance of doubt this is no intended to refer to the provision of support to third parties, for example grants, goods or services, made in the ordinary course of the performance of the applicant's	Requirements applicant must meet in this	asked in the ASP Application	Indicators and Instructions	
If the entity does not have nonprofit/charitable status from a regulatory authority, then questions (c) - (i) will be required. intended to refer to the provision of support to third parties, for example grants, goods or services, made in the ordinary course of the performance of the applicant's		applicant certify that its net assets do not benefit any private persons or non-charitable organizations and is not an affiliate for a for-profit	non-charitable organizations and the applicant is not an affiliate of a for-profit entity.	
be reviewed to confirm this statemen		nonprofit/charitable status from a regulatory authority, then questions	support to third parties, for example grants, goods or services, made in the ordinary course of the performance of the applicant's charitable or public benefit mission. Applicant's governing documents will be reviewed to confirm this statement. Governing documents will be required	
describe the applicant's purpose powers, that demonstrate the applicant is prohibited from engaging		governing documents that describe the applicant's purpose and powers, that demonstrate the applicant is prohibited from engaging in non-charitable activities, except as an	describe the applicant's purpose and powers, that demonstrate the applicant is prohibited from engaging in non-charitable activities, except as an insubstantial part of its activities. Governing documents (and actual	
(c) - (i) will be required. except as an insubstantial part of its activities.		nonprofit/charitable status from a regulatory authority, then questions	 Prohibit the organization from engaging in non-charitable activities, except as an insubstantial part of its activities. Support the statements made in this 	
(i): If applicable, provide any relevant ancillary documents such as annual reports or program brochures. Upload relevant ancillary documents Ancillary documents may include items such as: • Annual reports		relevant ancillary documents such as annual reports or program	items such as:	

4.5.1. Eligible Entities - Nonprofits, charities, or equivalent		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
	Required only if the requested documentation in (a) or (b) is not provided.	Program brochures Organization website

4.5.2. Eligible Entities - Intergovernmental Organizations (IGOs)		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
Entity applying is an Intergovernmental Organization (IGO).	Can the applicant confirm it is an IGO? If yes, provide the required documentation.	Upload required documentation to indicate the entity applying is an IGO. An IGO is defined as: (i) an 'Intergovernmental organization' having received a standing invitation, which remains in effect, to participate as an observer in the sessions and the work of the United Nations General Assembly; or (ii) a Specialized Agency or distinct entity, organ or program of the United Nations. A visual depiction of the United Nations. A visual depiction of the United Nations system is available here, including its Specialized Agencies and various programs:
		https://www.un.org/en/pdfs/ un_system_chart.pdf
		See also: Final Report of

4.5.2. Eligible Entities - Intergovernmental Organizations (IGOs)		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		the Expedited Policy
		Development Process on
		Specific Curative Rights
		Protections for
		International Governmental
		Organizations (IGOs):
		https://itp.cdn.icann.org/en/
		files/generic-names-suppor
		ting-organization-council-g
		nso-council/epdp-specific-c
		rp-igo-final-report-02-04-20
		22-en.pdf

4.5.3. Eligible Entities - Indigenous/Tribal Peoples' Organization		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
Entity is an Indigenous/Tribal Peoples' organization.	(a) Can the applicant confirm it is an Indigenous/Tribal Peoples' Organization? If yes, provide the required documentation.	Upload documentation demonstrating support from the Indigenous/Tribal Peoples' community represented by the applicant organization.
	(b) Provide a letter of support from the Indigenous/Tribal Peoples' community represented by the applicant organization. Required only if the requested documentation in (a) is not provided.	Upload documentation demonstrating support from the Indigenous/Tribal Peoples' community represented by the applicant organization. For Indigenous/Tribal Peoples' organizations that
		do not have official recognition from a relevant

authority, it may be
possible to apply under a
different "Eligible Entity"
type. For example, a
nonprofit organization or a
micro or small enterprise
that either provides social
impact/public benefit or is
principally based in a
less-developed economy.

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Silidii-Sizeu busiiless		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
applicant must meet in	asked in the ASP Application	Upload documentation demonstrating registration as a social enterprise or public benefit business. A social impact business is a business whose primary purpose is the common good as demonstrated through its legal founding documents and whose principal business activity is directly related to accomplishing that stated social or environmental purpose. See examples: https://dpw.lacounty.gov/contracts/SocialEnterprise.aspxhttps://www.socialenterprise.org.uk/all-about-social-enterprise/ A public benefit corporation is a corporation created to generate social and public
		good, and to operate in a responsible and sustainable manner. See examples:
		https://www.law.cornell.edu/we x/public benefit corporation https://www.sec.state.ma.us/di visions/corporations/download/ notice-regarding-benefit-corpor ations.pdf
		B Corporation Certification: https://www.bcorporation.net/e n-us/certification/

small-sized business			
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions	
	(b) If applicable, provide legal founding documentation to indicate a stated commitment to primary social or benefit purpose. Required only if the requested documentation in (a) is not provided.	Upload legal founding documentation demonstrating a stated commitment to social impact or public benefit purpose, such as Articles of Incorporation, Articles, Notice of Articles or equivalent, or annual assessment reports publicly posted, listing social or public benefits provided in the previous year Required only if the applicant does not have documentation of the organization being certified as a benefit corporation or registered and recognized by a relevant regulatory authority in the company's principal place of business as a social enterprise or public benefit company.	
	(c) If applicable, provide required documentation to indicate that the applicant's operations are directed at pursuit of stated social or benefit purpose. Required only if the requested documentation in (a) is not provided.	Upload documentation demonstrating that the applicant's operations are directed at the pursuit of stated social or benefit goal/purpose, such as: • Selection of a third-party standard the public/social benefit the enterprise plans to measure itself against and a public statement to that effect. • Publicly stated rationale for selecting the chosen third-party standard. • Annual assessment report against the selected third-party	

smaii-sized business			
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions	
		standard (self-assessment or third-party assessment). Required only if the applicant does not have documentation of being certified as a benefit corporation or registered and recognized by a relevant regulatory authority in the company's principal place of business as a social enterprise or public benefit company.	
	(d) If applicable, provide required documentation to indicate that the applicant's financial surpluses are primarily reinvested in the stated benefit purpose, rather than being primarily driven by the need to deliver profit to shareholders and owners. Required only if the requested documentation in (a) is not provided.	Upload documentation demonstrating that the applicant's financial surpluses are primarily reinvested in the stated benefit purpose, rather than being primarily driven by the need to deliver profit to shareholders and owners. Applicants are encouraged to submit all relevant documentation deemed appropriate to establish this criterion has been met. Examples of documentation to demonstrate adherence with this criterion include: Documentation including annual reports, impact assessments, or case studies that indicate how financial surpluses are being used to	
		fulfill the stated social or public benefit objectives. • Social or public benefit impact measurement and reporting that assess and quantify the social or public	

Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		benefit outcomes achieved with the financial surpluses. Ratio of surplus allocation indicates that a majority (> greater than 60 percent of revenue or profits) went to programmatic activities aimed at achieving the entity's stated social or public benefit objectives. Required only if the applicant
		does not have documentation of being certified as a benefit corporation or registered and recognized by a relevant regulatory authority in the company's principal place of business as a social enterprise or public benefit company.
Entity is a micro- or small-sized business	(e) Does the applicant meet the criteria to be considered a microor small-sized business? If yes, provide the required documentation.	Upload the required document demonstrating the applicant is a micro- or small-sized business. The applicant must meet at least two out of the three indicators below:
		 Has fewer than 50 employees Total assets is less than 5 million USD Annual sales less than 5 million USD
		There is no universal definition for micro or small business. Definitions vary from country to country. The indicators provided here are intended to reflect the most common

Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		thresholds from other global and regional funding institutions.

	iess-developed econor	ny
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
Entity's principal place of business is from a country/territory/region that has a less-developed economy.	(a) Is the applicant's principal place of business located in one of the following: Small Island Developing States (SIDS), Least Developed Countries (LDCs), Economies in Transition, or Developing Economies?	Confirm that the applicant's principal place of business is from a less-developed economy, as defined by the World Economic Situation and Prospects report published by the United Nations in 2023 (see Statistical Annex with country classifications): https://www.un.org/development/desa/dpad/publication/world-economic-situation-and-prospects-2023/. Principal place of business is defined as the place where a corporation's officers direct, control, and coordinate the corporation's activities. The principal place of business cannot be a Post Office Box. This will be determined as the location in which the largest volume of the corporation's operations is located and a supermajority (80%+) of the corporation's officers are located. "Officers" refers to the high-level management officials of a corporation or business, for example, a CEO, vice president, secretary, chief financial officer. Partners would be listed in the context of a partnership or other such form of legal entity.

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Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
	(b) Is 51 percent or more of the company owned by residents from one or more of the following: Small Island Developing States (SIDS), Least Developed Countries (LDCs), Economies in Transition, or Developing Economies? If so, please submit the corresponding evidence.	Upload the documentation demonstrating proof of stakeholder residence confirming 51 percent or more of the company is owned by residents from one or more of the following: Small Island Developing States (SIDS), Least Developed Countries (LDCs), Economies in Transition, or Developing Economies.
		Examples of documentation demonstrating proof of residence include utility bills such as electric, water, or gas.
		Extenuating circumstances to accommodate situational hardships that force relocation of business will be assessed on a case by case basis and will require a narrative statement outlining the extenuating circumstances.
	(c) Is the applicant's principal place of business located within Indigenous/Tribal Peoples' lands?	Upload documentation demonstrating proof that the applicant's principal place of business is located within Indigenous/Tribal Peoples' lands.
	(d) Is the applicant an Indigenous/Tribal Peoples'-owned business? If yes, provide the required documentation.	Upload documentation demonstrating that the applicant is an Indigenous/Tribal Peoples'-owned business, such as an Indigenous/Tribal Peoples' Organization status,

less-developed economy		
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		or a letter of support from the corresponding Indigenous/Tribal Peoples' community.
	(e) Describe how the applicant's principal place of business is located in a less-developed economic area as demonstrated by globally recognized, verifiable, established proxy indicators. Required only if the requested documentation in (a), (b), (c) and (d) is not provided.	Describe how the applicant's principal place of business is located in a less-developed economic area demonstrated by globally recognized, verifiable, established proxy indicators. The applicant should provide localized data that demonstrates disadvantage—keeping in mind the primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS. The importance of increasing global geographical distribution was also underscored in the ICANN's Government Advisory Committee June 2023 Communique: https://gac.icann.org/contentMigrated/icann77-washington-d-c-communique

	less-aevelopea econon	lly
Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
	(f) Is 51 percent or more of the company owned by residents from a less-developed economic area as demonstrated by globally recognized, verifiable, established proxy indicators.	Upload documentation confirming 51 percent or more of the company is owned by residents from a less-developed economic area as demonstrated by globally recognized, verifiable, established proxy indicators.
	Required only if the requested documentation in (a), (b), (c) and (d) is not provided.	Examples of documentation demonstrating proof of residence include utility bills such as electric, water, or gas.
		Extenuating circumstances to accommodate situational hardships that force relocation of business will be assessed on a case by case basis and will require a narrative statement outlining the extenuating circumstances.
Entity is a micro- or small-sized business.	(g) Does the applicant meet the criteria to be considered a micro- or small-sized business? If yes, provide the required documentation.	Upload the required document demonstrating the applicant is a micro- or small-sized business. The applicant must meet at least two out of the three indicators below:
		 Has fewer than 50 employees Total assets is less than 5 million USD Annual sales less than 5 million USD
		There is no universal definition for micro or small business. Definitions vary from country to country. The indicators

Criteria: Requirements applicant must meet in this category	Questions the applicant will be asked in the ASP Application System	Indicators and Instructions
		provided here are intended to reflect the most common thresholds from other global and regional funding institutions.

4.6. Restrictions

The following restrictions will be employed in applying for and receiving applicant support.

- 4.6.1. Supported ASP applicants will receive a [75-85]% reduction on gTLD application and evaluation fees relating to **one gTLD application only**.
- 4.6.2. [Supported applicant entities that apply to the New gTLD Program will be restricted to one gTLD application submission.]
 - 4.6.2.1. [Those applicants applying for a string may at the same time apply for up to four allocatable TLD variants (determined by using the RZ-LGR tool), pending Board consideration of the IDN ePDP Phase 1 Final Report].
 - 4.6.2.2. For instance, .example in simplified Chinese: [.样例] and in traditional Chinese [.樣例]
- 4.6.3. ASP applicants are not permitted to re-apply or re-submit an application to the ASP.
- **4.6.4.** If a supported applicant applies for a new gTLD string (the name the applicant applies for) that is counter to public responsibility (see <u>Section 4.2: Public Responsibility Due Diligence</u>) they might be disqualified for support.
- 4.6.5. All gTLD applicants strings may be subject to the limited public interest assessment; for string confusion objection; community objection; or legal rights objection.
- 4.6.6. [Supported applicants that prevail at auction may be restricted from change of control, per IG 17.17]

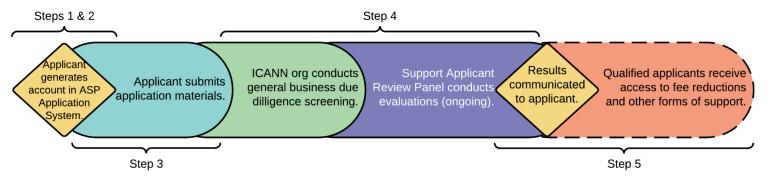
5. Applicant Support Program Application Process

ICANN org anticipates deploying new systems to implement the New gTLD Program. Such systems will be built with the principles of "privacy by design." This means that personal data would be processed with the highest data protection principles (for example, only processing personal data that is necessary to be processed, storing such data only for as long as necessary, and limiting access to the data to those parties who require access to perform a specific New gTLD Program-related function).

As part of implementation, ICANN org will evaluate which service providers supporting the New gTLD Program require access to the data processed during each New gTLD Program process or phase of the New gTLD Program (e.g., application submission, initial evaluation, objections). As part of this evaluation, ICANN org will conduct due diligence reviews and enter into data processing agreements or arrangements with third-party providers, as needed. Also, ICANN org will explore whether any such personal data should also be encrypted, pseudonymized, or anonymized. Personal data processed for the New gTLD Program must be deleted when it is no longer needed for stated purposes, while taking into account ICANN org's overarching mandate to operate to the maximum extent feasible in an open and transparent manner consistent with procedures designed to ensure fairness (see ICANN Bylaws Article 3, Section 3.1 https://www.icann.org/resources/pages/governance/bylawsen/#article3).

There are several phases to the ASP application process, outlined in Figure 3 and described in further detail.

Figure 3. Sequencing of Applicant Support Program Preparation, Evaluation, and Results



The outline below provides an overview of the stepwise process for the ASP application using the ASP Application System. In addition to this overview, potential ASP applicants will also have access to an ASP System User Guide.

Applicant generates account in ASP Application System.

Step 1: Register

- Go to https://newgtldprogram.icann.org/en/application-rounds/round2/asp/apply to register for the ASP.
- b. Receive registration confirmation.

Step 2: Access application materials

- c. Either log in to the ASP Application System to access materials OR
- d. If an applicant wishes to work on its application offline, the following forms can be downloaded from the ASP section of the website:
 - i. Instructions packet for the ASP application
 - ii. ASP application template

Applicant submits application materials. Please note only applications submitted through the ASP Application System will be considered for evaluation.

Step 3: Submit application

- a. Log in to the ASP Application System to:
 - Fill out required application questions.
 - ii. Upload required and relevant supporting documentation.
 - iii. Review and confirm the application is complete and all supporting documents have been uploaded.
- b. Check email for confirmation of the ASP application submission.
 - If confirmation email is not received within [X] days, or other issues with the application process arise, email <u>globalsupport@icann.org</u> for support.

Important note: ASP applicants are advised **not** to submit information about their intended New gTLD Program application string when applying to the ASP. This is to protect the business confidentiality of applicants' information in advance of the opening of the New gTLD Program application submission period.

ICANN org conducts general business due diligence screening and SARP conducts evaluations.

Step 4: Evaluation process

- a. ICANN org reviews submitted application for completeness.
- b. ICANN org may contact the applicant if submitted materials are incomplete, unclear, or inaccessible.

Note that providing application documentation in languages other than English may extend the timeline for evaluation. Applicants are requested to provide the original documentation along with the English translations, if available, when submitting documentation in a language other than English. If applicants use a certified or equivalent translation service, they will be asked to indicate the service used (see Appendix 4).

The processing time will be extended at least 2-4 weeks based upon the total

volume of documents provided in a language other than English. Please note that while the ASP is more flexible regarding translated documents, the New gTLD Program: Next Round will require certified translations of non English documents.

- c. ICANN org manages the general business due diligence evaluation.

 Background and cybersquatting screenings will be conducted by a third-party vendor managed by ICANN org. The applicant and its references may be contacted as part of this step.
- d. Applications that pass pre-screening are shared with the third-party vendor to conduct subsequent evaluations. ICANN org will relay clarifying questions raised by the SARP evaluators to the ASP applicant.
- e. The evaluation process is designed to be completed generally within [12–16] weeks.

Important note: Note: the period between the end of ASP application submission period and the start of the gTLD application submission period is an estimated 20-24 weeks. Submitting an ASP application close to the deadline could potentially create delays in receiving ASP evaluation results prior to the gTLD application submission period. This risk increases if the applicant receives clarifying questions from ASP evaluators or is delayed in submitting an ASP deposit.

Results are communicated to applicants and qualified applicants receive access to fee reduction and other forms of support.

Step 5: Evaluation results

- a. ASP applicants will be notified via email of application status changes and when evaluation results are ready. ASP applicants are directed to log into the ASP Application System to review evaluation results.
- b. If qualified, the applicant will receive information regarding the portfolio of available support (see <u>Section 6.5: Support Allocation for Qualified Applicants</u>).
- c. If the applicant does *not* qualify for support, they may:
 - i. [submit a challenge request–TBD depending outcome of that topic]
 - ii. Proceed in submitting a standard New gTLD Program application and pay the application and evaluation fees in full.
- d. All applicants wishing to submit a gTLD application may refer to the New gTLD Applicant Guidebook for detailed information about the New gTLD Program application process, requirements, and submission.

5.1. Changes to ASP Applications

Applicants may change or update their applications throughout the processing and evaluation period. This may include submitting missing documentation and/or replying to clarifying

questions. In general, all applicants must update ICANN org within a timely manner, no more than 15 business days of any material changes to information previously submitted on their application.

Change Request Determination Criteria

In evaluating each change request, all available information is considered against the seven criteria below. The weight of each criterion may vary on a case-by-case basis, depending on the facts and circumstances surrounding the change request and the application including the applicant and the string. Determination of whether changes will be approved will balance the following factors:

- 1. **Explanation** Is a reasonable explanation provided?
- 2. **Evidence that original submission was in error** Is there evidence to support an assertion or claim that the change is only made to merely correct an error?
- 3. **Cause for Change** Is the change being made in response to a third party input, or organizational change (e.g., changes to the organization name or mailing address)?
- 4. **Precedents** Is the change similar to others that have already been approved? Could the change lead others to request similar changes that could affect third parties or result in undesirable effects on the program?
- 5. **Impact to third parties, including other applicants** What impact, positive or negative, would the change have on third parties, including other applicants? Does the change affect other third parties materially? Would permitting it have a change on other applicants? Would allowing the change be construed as fair to the general community? Would disallowing the change be construed as unfair?
- 6. **Materiality** Would the change affect the evaluation score or require re-evaluation of some or all of the application?
- 7. **Timing** Does the timing interfere with the evaluation process in some way? ICANN reserves the right to require a re-evaluation of the application in the event of a material change. All re-evaluations will be conducted using the established criteria.

After an ASP application is submitted, changes to the application will need to be submitted via an application change request. All application change requests during or after evaluation will be assessed to determine whether re-evaluation is needed, depending on the nature of the changes. The types of changes include:

Type of Change	Impact
Administrative Change (non-substantive)	[TBC]
Administrative Change (substantive)	[TBC]
Application Change (non-substantive)	[TBC]
Application Change	[TBC]

(substantive)	
` ,	

As noted in <u>Section 4.6: Restrictions</u>, ASP applicants are not permitted to re-apply or re-submit an application to the ASP once the results of the ASP evaluation are complete.

An applicant may withdraw its ASP application at any time, from the point of application submission throughout the application submission period. Once an application has been withdrawn, it may not be resubmitted.

If an applicant qualifies for support, but no longer intends to submit a gTLD application, they are required to notify ICANN org via the ASP Application System. The ASP deposit submitted to ICANN org can be refunded once ICANN org receives notification that the supported applicant no longer intends to submit a gTLD application. ICANN will ensure that any refunds are processed as quickly and efficiently as possible.

6. ASP Application Evaluation

The evaluation of ASP applications will take place in two phases:

- 1. ICANN org-managed General Business Due Diligence Screening evaluation.
- 2. Third-party vendor-managed evaluation.

ICANN org will utilize the ASP criteria and indicators to conduct the General Business Due Diligence screening. After an ASP applicant has passed the General Business Due Diligence screening, the application will be shared (confidentially through the ASP Application System) with the third-party vendor solely for the purpose of conducting subsequent evaluations.

As described in the proceeding section, the third-party vendor is responsible for convening SARPs. These panels are composed of vendors with the necessary expertise to assess the ASP criteria categories.

6.1. Support Applicant Review Panels

A third-party vendor to ICANN will administer and manage the ASP evaluations after applicants pass ICANN's General Business Due Diligence screening. The third-party vendor will establish SARPs composed of experts to conduct evaluations against the remaining criteria categories: Section 4.2: Public Responsibility Due Diligence, Section 4.3: Financial Need, Section 4.4: Financial Viability, and Section 4.5: Eligible Entity Categories. The third-party vendor will be required to comply with ICANN's Code of Conduct and Conflicts of Interest Guidelines for the New gTLD Program: Next Round [Link to current draft]. The panelists assigned to each application in the ASP Application System will be required to attest that there are no conflicts of interest in evaluating the application.

The vendor will ensure that the assembled reviewers have the relevant knowledge and experience required to provide high-quality, well-informed evaluations, and do not have a conflict of interest that would disqualify them from providing this service without bias. The vendor will also have the capability to formulate SARPs that are diverse in terms of geography, language, race/ethnicity, and gender.

Recognizing that the ASP criteria categories are distinct and may require different evaluative capabilities, the third-party vendor may establish several SARPs to fully assess the applicant. Organizing the evaluation in this way is consistent with research findings on other globally recognized programs (for more information see Section: Review Panels (pg. 40) of the <u>Survey of Globally Recognized Procedures for Financial Assistance Programs.</u>)

The SARP will conduct evaluations on the ASP applications it receives from ICANN org and submit application evaluation results to ICANN org on an ongoing basis. Evaluations will be conducted on a pass/fail basis against each required criterion and its related indicators (see Section 2.2: Evaluation Phases and Categories).

6.2. Assessment

To qualify for support, applicants must meet all criteria, based upon the identified criterion indicators, and required documentation and will be evaluated on a pass/fail basis. See <u>Figure 2</u> for a high-level flowchart of the evaluation process.

Evaluation of the criteria against applicants' documentation is at the sole discretion of the SARP. The SARP may review the applicant's website, social media accounts, principal place of business, annual reports, governing documents, and information pertaining to applicable proxy and/or localized eligibility definitions in relation to the eligibility criteria and indicators. The SARP also may ask clarifying questions of applicants, if necessary, to verify an application and supporting documentation.

6.3. Clarifying Questions

As noted, the SARP, via ICANN org, may ask clarifying questions of ASP applicants. Applicants will have the opportunity to provide responses to questions from panelists should they arise; [any changes to the application will need to be submitted via an application change request.] To ensure that applications are processed in a timely manner, all applicants will be encouraged to respond to clarifying questions as quickly as possible but no later than [six] weeks after receiving the clarifying question, as this may affect the queuing process of applications.

Recognizing that English is the authoritative language for all ICANN business and that all gTLD applications will need to be submitted in English, the ASP is following this standard for the New gTLD Program: Next Round. As a result, ASP applicants' responses to clarifying questions must be submitted in English.

6.4. Evaluation Results

ASP applications will be evaluated on an ongoing basis. Applicants will receive the results of evaluation generally within [12-16 weeks] of submitting a complete application. In receiving evaluation results, applicants will be notified that they either:

- 1. Qualify for support based upon meeting the evaluation criteria.
 - a. Results will also indicate the fee reduction available [75-85%].
 - b. Applicants will receive instructions on how to submit a [\$2,500 USD] deposit to ICANN, to be paid within 30 days of receiving ASP evaluation results.
 - c. After the deposit is submitted within the required timeframe, applicants will receive instructions on how to apply their discount when they submit a gTLD application.
 - i. If an applicant does not submit a deposit within 30 days of receiving ASP evaluation results, the application will be put on hold and may risk disqualification from the ASP.
- 2. Do not qualify for support and are provided with an explanation of why they did not meet required criteria.
 - a. Applicants that do not qualify for support may:
 - [Submit a request for challenge and request their application to be re-assessed by the SARP-TBD]; or

- ii. Proceed to the standard new gTLD application and pay the full application and evaluation fees. Please note that this is a significant change from the 2012 round, wherein applicants that applied for support and did not qualify were not allowed to proceed with a standard application for the New gTLD Program.
- iii. The 2012 Financial Assistance Handbook states (see Section: Evaluation Fees, p. 5): "Candidates that are "Disqualified," i.e., do not meet the threshold criteria described below, will be excluded from the New gTLD Program. If the application is disqualified, USD 42,000 of the evaluation fee will be refunded unless the SARP reasonably believes there was willful gaming."

6.5. Support Allocation for Qualified Applicants

Following application submission, General Business Due Diligence Screening, and Phase 2 SARP evaluation, ICANN org will notify applicants of their ASP support eligibility. Following the SARP evaluation, applicants that qualify for support will receive a welcome package outlining the portfolio of financial and non-financial support available. Note that all support, with the exception of access to Applicant Counselors, is for supported applicants only. The welcome package will include information about:

- 6.5.1. [An ASP training program (Pending Board consideration of the community's supplemental policy recommendation (17.2)]
- 6.5.2. Access to pro bono service providers that have agreed to volunteer their services to supported applicants. Pro bono service providers are independent from the ICANN organization; their services are not endorsed or contracted by ICANN org. However, ICANN org may play a facilitative role in making supported applicants aware of the services available, should applicants seek to utilize them. ICANN org is in the process of identifying service providers and will make a list of those vendors available to supported applicants.
- 6.5.3. Resources and information for potential applicants to better understand the New gTLD Program, what it means to operate a gTLD, and how to participate in ICANN's multistakeholder community.
- 6.5.4. [Access to Applicant Counselors to help answer questions about the gTLD application process and provide guidance on where to find available resources (Pending Board consideration of the community's supplemental policy recommendation (17.2)]
- 6.5.5. A [75-85%] reduction in New gTLD Program application and evaluation fees for supported applicants.
- 6.5.6. A [bid credit or multiplier–TBD pending research results] applied to supported applicants participating in an ICANN Auction of Last Resort as a result of contention with other gTLD applicants. The exact kind of auction support will be determined as part of the implementation of SubPro Final Report Topic 35. See pp. 173-182:

 https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf.
- 6.5.7. Reduced or waived base Registry Operator fees, should the supported applicant prevail in the gTLD program evaluation and proceed to contracting and delegation. (Pending Board consideration of the community's supplemental policy recommendation (17.2))]

Minimum and Maximum Fee Reductions

The level of ICANN fee reduction expressed in a percentage of the application and evaluation fees. [[ICANN org's current interpretation of the <u>SubPro Final Report</u> outputs and the <u>GNSO Guidance Process (GGP) for ASP recommendations</u> The latter still needs Board consideration.] Qualified applicants will be notified of the percentage amount of the minimum level of fee reduction they will receive as a part of their support. *All ASP recipients will receive the same percentage minimum fee reduction*. See <u>Table 2</u>.

In the event that the SARP evaluation for all ASP applicants has been completed and ASP support funds remain available, supported applicants may receive – in addition to the minimum fee reduction already communicated – an additional percentage fee reduction up to [85%]. *Any additional fee reduction percentage will be distributed equally across all qualifying applicants*.

Application Queueing

In the event that ICANN org's budget for minimum fee reduction is exhausted during the ASP application submission period, *ICANN org may pause accepting further ASP applications and will communicate that available funds have been exhausted*. Complete ASP applications—those assessed by ICANN org as not missing any required information or documentation—that are submitted before the pause on new applications will proceed through evaluation and support will be allocated [in the following order/manner—TBD]].

Should supported applicants decide they *no longer plan to submit* an application for a new gTLD, *the supported applicant must communicate this to ICANN org as soon as possible and prior to the gTLD application submission period*. This may allow additional applications for support to be evaluated for eligibility. It may also allow supported applicants that were waitlisted to receive support.

[additional information around supplemental recommendation 32.1 Limited Challenge/Appeal Mechanism to be added after Board consideration]

7. Terms and Conditions [Pending AGB T&Cs]

8. Additional Information

8.1. Application comment period process - TBD

8.2. Challenge Process – TBD pending topic

8.3. Program Evaluation and Reporting

To provide for continual improvement of the program, applicants that receive support will be required to participate in future research relating to the impacts of the ASP and effects of fee reductions.

8.4. Additional Resources

- 1. New gTLD Program: Next Round Applicant Guidebook:
 - a. Glossary of commonly used terms in the New gTLD Applicant Guidebook
- 2. Applicant Support Program:
 - a. Events:
 - b. Trainings:
 - c. Resources:

https://newgtldprogram.icann.org/en/application-rounds/round2/asp/resources

- 3. New gTLD Application System:
- 4. New gTLD Program website
- 2012 New gTLD Program Applicant Guidebook (AGB) Eligibility Section 1.2.1
 - a. 1.2.1 Eligibility: Established corporations, organizations, or institutions in good standing may apply for a new gTLD. Applications from individuals or sole proprietorships will not be considered. Applications from or on behalf of yet-to-be formed legal entities, or applications presupposing the future formation of a legal entity (for example, a pending Joint Venture) will not be considered. ICANN has designed the New gTLD Program with multiple stakeholder protection mechanisms. Background screening, features of the gTLD Registry Agreement, data and financial escrow mechanisms are all intended to provide registrant and user protections. The application form requires applicants to provide information on the legal establishment of the applying entity, as well as the identification of directors, officers, partners, and major shareholders of that entity. The names and positions of individuals included in the application will be published as part of the application; other information collected about the individuals will not be published. Background screening at both the entity level and the individual level will be conducted for all applications to confirm eligibility. This inquiry is conducted on the basis of the information provided in questions 1-11 of the application form. ICANN may take into account information received from any source if it is relevant to the criteria in this section. If requested by ICANN, all applicants will be required to obtain and deliver to ICANN and ICANN's background screening vendor any consents or agreements of the entities and/or individuals named in questions 1-11 of the application form necessary to conduct

background screening activities.

- 6. ICANN will perform background screening in only two areas: (1) General business diligence and criminal history; and (2) History of cybersquatting behavior. The criteria used for criminal history are aligned with the "crimes of trust" standard sometimes used in the banking and finance industry. In the absence of exceptional circumstances, applications from any entity with or including any individual with convictions or decisions of the types listed in (a) (m) below will be automatically disqualified from the program.
 - a. within the past ten years, has been convicted of any crime related to financial or corporate governance activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has been the subject of a judicial determination that ICANN deems as the substantive equivalent of any of these;
 - b. within the past ten years, has been disciplined by any government or industry regulatory body for conduct involving dishonesty or misuse of the funds of others;
 - c. within the past ten years has been convicted of any willful tax-related fraud or willful evasion of tax liabilities;
 - d. within the past ten years has been convicted of perjury, forswearing, failing to cooperate with a law enforcement investigation, or making false statements to a law enforcement agency or representative;
 - e. has ever been convicted of any crime involving the use of computers, telephony systems, telecommunications or the Internet to facilitate the commission of crimes;
 - f. has ever been convicted of any crime involving the use of a weapon, force, or the threat of force:
 - g. has ever been convicted of any violent or sexual offense victimizing children, the elderly, or individuals with disabilities;
 - h. has ever been convicted of the illegal sale, manufacture, or distribution of pharmaceutical drugs, or been convicted or successfully extradited for any offense described in Article 3 of the <u>United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988</u>
 (http://www.unodc.org/unodc/en/treaties/illicit-trafficking.html);
 - i. has ever been convicted or successfully extradited for any offense described in the <u>United Nations Convention against Transnational Organized Crime</u> (all Protocols) (http://www.unodc.org/unodc/en/treaties/CTOC/index.html). It is recognized that not all countries have signed on to the UN conventions referenced above. These conventions are being used solely for identification of a list of crimes for which background screening will be performed. It is not necessarily required that an applicant would have been convicted pursuant to the UN convention but merely convicted of a crime listed under these conventions, to trigger these criteria;
 - j. has been convicted, within the respective timeframes, of aiding, abetting, facilitating, enabling, conspiring to commit, or failing to report any of the listed crimes above (i.e., within the past 10 years for crimes listed in (a) (d) above, or ever for the crimes listed in (e) (i) above);
 - k. has entered a guilty plea as part of a plea agreement or has a court case in any jurisdiction with a disposition of Adjudicated Guilty or Adjudication Withheld (or regional equivalents), within the respective timeframes listed above for any of the listed crimes (i.e., within the past 10 years for crimes listed in (a) – (d) above, or

- ever for the crimes listed in (e) (i) above);
- I. is the subject of a disqualification imposed by ICANN and in effect at the time the application is considered;
- m. has been involved in a pattern of adverse, final decisions indicating that the applicant or individual named in the application was engaged in cybersquatting as defined in the Uniform Domain Name Dispute Resolution Policy (UDRP), the AntiCybersquatting Consumer Protection Act (ACPA), or other equivalent legislation, or was engaged in reverse domain name hijacking under the UDRP or bad faith or reckless disregard under the ACPA or other equivalent legislation. Three or more such decisions with one occurring in the last four years will generally be considered to constitute a pattern.
- fails to provide ICANN with the identifying information necessary to confirm identity at the time of application or to resolve questions of identity during the background screening process;
- o. fails to provide a good faith effort to disclose all relevant information relating to items (a) (m). Background screening is in place to protect the public interest in the allocation of critical Internet resources, and ICANN reserves the right to deny an otherwise qualified application based on any information identified during the background screening process. For example, a final and legally binding decision obtained by a national law enforcement or consumer protection authority finding that the applicant was engaged in fraudulent and deceptive commercial practices as defined in the Organization for Economic Co-operation and Development (OECD) Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders6 may cause an application to be rejected. ICANN may also contact the applicant with additional questions based on information obtained in the background screening process. All applicants are required to provide complete and detailed explanations regarding any of the above events as part of the application. Background screening information will not be made publicly available by ICANN.

Appendix 1: Example Templates for Narrative Statements

A. Financial Need

The Financial Need statement should include responses to the following questions:

- How would funding support from ICANN enable your organization to apply for a gTLD?
- 2. Why would the full base gTLD application fee present a financial hardship?

The answers should correspond with financial documentation and description of funding, revenue sources, cash and cash equivalents.

Documents:

 Two years of most recent audited financial statements, including profit and loss, and balance sheet, if available. If not available or more than 12 months old, most recent financial statements even if unaudited.

B. Financial Viability

1. Describe your organization's plans to pay the unsupported portion of the base gTLD application fee via a narrative description and/or funding plan.

The answers should correspond with financial documentation and description of funding, revenue sources, cash and cash equivalents.

Documents:

 Two years of most recent audited financial statements, including profit and loss, and balance sheet, if available. If not available or more than 12 months old, most recent financial statements even if unaudited.

Appendix 2: Submitting the Financial Viability gTLD Deposit

To submit the \$2500 USD deposit please follow the below instructions. Submitting the deposit is the final step in completing the Financial Viability evaluation. The deposit is required to advance from "conditionally approved" to "fully approved" status.

- After the applicant receives notification of conditional approval for support, the applicant will also soon receive an invoice from ICANN org for the \$2500 USD deposit.
- 2. Along with the invoice, the applicant will receive instructions for how to pay the invoice. The instructions will include the ICANN bank account information for deposit.
- 3. Applicants submitting a deposit should note that the payment must be in US dollars.
- 4. The applicant is expected to pay all banking fees and cost to convert currency to USD.
 - ICANN will not cover these costs.
 - b. Any short payment of these fees will be invoiced and may delay progression of the application process until the full amount has been paid.
- 5. The preferred payment methods are Automated Clearing House (ACH) or wire transfer, as they are the most secure, expeditious, and traceable.
 - a. Payments can also be made by check in USD (U.S. dollars) and credit card (Visa, MasterCard, Discover, and American Express).
 - b. Other third-party money transfer services can be used for transferring payments to ICANN provided the deposit is to the ICANN bank account listed on the ICANN invoice.
 - c. If a third-party service is used, please ensure the remittance advice includes your ICANN account number and invoice number so that payment can be applied accurately to your invoice.

[Appendix 3: ASP Funding Plan]

Appendix 4: Translation of Supporting Documentation

If the applicant submits one or more English documents that were translated from a non-English original document, the applicant has the option to submit a certificate of translation (certificate of translation accuracy) for each translated English document. Properly submitted certified translations may enable faster review and processing of your applicant support materials. For properly attested certified translations, ICANN will perform a review of your original source documents and the certified English translation to confirm that they are accurate and complete. In all other cases where a certificate of translation is not provided for a document, ICANN will translate your original source documents to English for subsequent review and processing.

At a minimum, the certificate of translation should be written in English and include:

- 1. A statement of the translator's qualifications.
- 2. A statement affirming the completeness and accuracy of the document.
- 3. Identification of the translated document and language.
- 4. The translator's name, signature, and date.

Most professional translators and translation agencies should be able to provide a certificate of translation for the work they perform. The certificate of translation does not need to be notarized.

A sample certificate of translation accuracy can be found at https://www.atanet.org/client-assistance/what-is-a-certified-translation/.

A certificate of translation, if provided, should be submitted for each English translated document. It can be submitted as a Word document or a PDF.