



79 | COMMUNITY
FORUM



ICANN79 At-Large Policy Discussion

2 March 2024



Agenda

- **Welcome from the CPWG Co-Chairs - Hadia Elminiawi and Olivier Crépin-Leblond (5 minutes)**
- **Discussion about the Next Round Draft Applicant Support Program (ASP) Handbook - Cheryl Langdon Orr and Justine Chew & Small Team (65 minutes)**
- **Closing Remarks - Hadia Elminiawi and Olivier Crépin-Leblond (5 minutes)**

New gTLD Program Next Round Draft Applicant Support Program (ASP) Handbook

Cheryl Langdon Orr and Justine Chew
incorporating input from the APRALO ASP Small Team of
**Cherie Lagakali, Mabda H. Fajrilla Sidiq, Phyo Thiri L.,
Samik Kharel & Faheem Soomro**



The Applicant Support Program

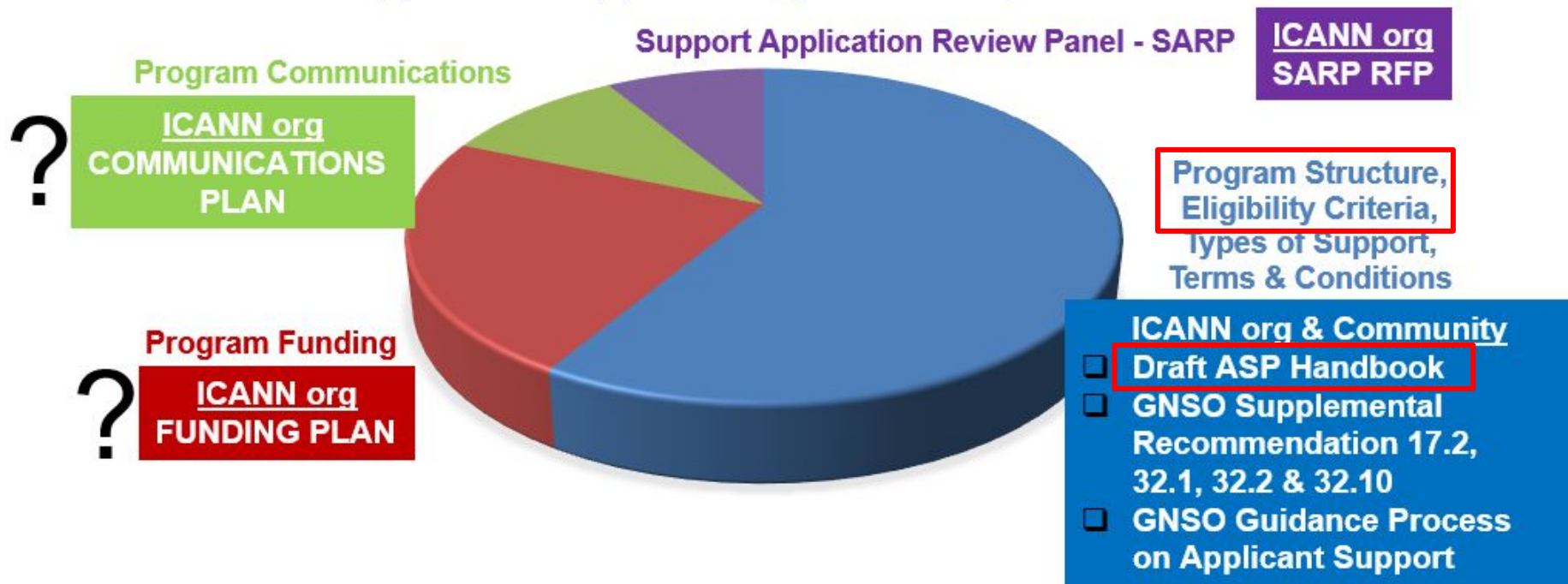
- An initiative developed as part of ICANN's New Generic Top-Level Domain (gTLD) Program
 - First launched in the 2012 Round of New gTLD Program
- Intended to address the goal of fostering diversity, encouraging competition and enhancing utility of the Domain Name System (DNS)
- Was meant to provide financial and non-financial support for eligible entities that demonstrate financial need, via:
 - gTLD application fee reduction
 - Pro-bono non-financial assistance

2012 Round Applicant Support Main Challenges

- Low awareness - late, insufficient communication
 - Lack of applicants - only 3
- High barriers to entry
 - Program intention lost
- Emphasis on financial support, less on non-financial support
 - USD 2mil fund for application fee reduction only helped 1 application
 - Pro-bono services - applicants needed to discover for themselves
- Support Evaluation Review Panel (SARP)
 - 5 individual persons drawn from EOI call

Addressing Main Challenges for Next Round

Applicant Support Program “Components”






Draft ASP Handbook – Key General Updates

- Application for ASP status separated from New gTLD application process
- Application for ASP targeted for **12 months from Q4 2024 to Q4 2025**, precedes opening of gTLD application window by **6 months** (current target: Q2 2026)
- Results of an ASP application expected within **12-16 weeks** of submission
- In event ASP applicant constrained to pay full gTLD application fees due to timing reason, and subsequently qualifies for ASP status, then will get reimbursement
- ASP status is tied to applicant (not gTLD string) with financial benefits applicable to only one gTLD application
- Support applicant required to submit **USD2,500** deposit on their gTLD application within 90 days of receiving positive ASP evaluation results – to confirm ability to receive gTLD fee reductions

Draft ASP Handbook – Key General Updates (Cont'd)

- Third party vendor to establish Support Applicant Review Panels (SARP) comprising relevant experts to conduct the 4 categories of Phase 2 evaluations
- If do not qualify for ASP, can submit a gTLD application by paying full gTLD application fee and any applicable evaluation fees.
- Applicant may change application – if material, via Application Change Request process. Cannot re-apply.
- Evaluations will be on pass/fail basis
- **One-time, limited challenge to evaluation result** (subject to Supplemental Recommendations 32.1, 32.2 & 32.10)

Draft ASP Handbook as at 12 Feb 2024

- Incomplete draft out for public comment, 12 Feb - 2 Apr 2024
 - Dependency on Applicant Guidebook Topic 
 - Sections still under development by ICANN org's ASP Team 
 - Other external dependencies 
- Even so, available parts of Handbook, require input:
 - **Program Structure: *Timeline, Evaluation Phases & Categories***
 - **Eligibility Criteria** - are these inclusive enough, and do not deter unreasonably?
 - **Application Changes** - do these make sense?
 - **Application Evaluation** - do these make sense?

Moving to the Public Comment questions

**A High Level Examination of
Selected Sections of the Draft
Applicant Support Program
Handbook for Discussion**

Draft ASP Handbook Q1: Introduction

Q1. Do you believe that Section 1 (“Introduction”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

1.1 About ICANN and its Mission

1.2 About the Applicant Support Program

- Initiative developed as part of ICANN’s New Generic Top-Level Domain (gTLD) Program ... intended to provide financial and non-financial support for eligible entities that demonstrate financial need.
- Implementation of community-developed policy to “...retain the Applicant Support Program, which includes fee reduction for eligible applicants and facilitate the provision of pro-bono non-financial assistance to applicants in need
- Designed in line with SubPro Affirmation 1.3, “... the primary purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS.”

1.3 Objectives of this Handbook

- This ASP handbook was developed to establish the rules for those seeking financial and non-financial support to apply to the New gTLD Program. It is meant to be a step-by-step guide to applying for such support and includes information on application deadlines, criteria, processes, and evaluation.

1.

Program Structure Highlights – Draft ASP Handbook, section 2.1

- Types of Applicant Support - both financial and non-financial
 - ASP training program (subject to Supplemental Recommendation 17.2)
 - Access to pro-bono services providers, independent from / not endorsed or contracted by ICANN org
 - ICANN org to play facilitative role, making applicants aware of services
 - ICANN org to identify service providers who have volunteered services
 - Resources and info for potential applicants to understand New gTLD Program, what it means to operate a gTLD, how to participate in ICANN's multistakeholder community
 - Access to Application Counselors (subject to Supplemental Recommendation 17.2)
 - \$\$ ○ A 50-85% reduction in New gTLD Program application and evaluation fees for supported applicants
 - \$\$ ○ A bid credit or multiplier for supported applicants participating in ICANN Auction of Last Resort to resolve contention set.
 - \$\$ ○ Reduced or waived base Registry Operator fees for supported applicant that prevails and proceeds to contracting and delegation (subject to Supplemental Recommendation 17.2)

2 Evaluation Phases & 5 Evaluation Categories

- Phase 1
 - **1. General Business Due Diligence**: legal compliance check, completeness check, New gTLD Program criteria incl background screening, cybersquatting history check
 - Need to pass Phase 1 to proceed to Phase 2

- Phase 2
 - **2. Public Responsibility Due Diligence**: (1) applicant does not produce, trade in, or promote an industry/string that is contrary to generally accepted legal norms of morality and public order recognized under principle of international law and (2) not affiliated with existing registry operator and/or another gTLD applicant that would not meet ASP criteria
 - **3. Financial Need**: applicant could not otherwise afford to apply to New gTLD Program without financial hardship
 - **4. Financial Stability**: applicant demonstrates stable financial standing, ability to pay remaining base gTLD applicant fee without experiencing financial hardship
 - **5. Eligible Entities**: applicant must meet at least one of eligible entity criteria and indicators
 - Need to pass each category to be successful

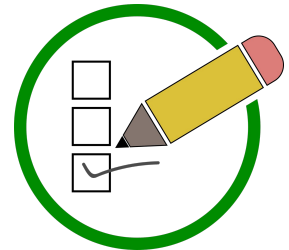
Draft ASP Handbook Q2: Program Structure

Q2. Do you believe that Section 2 (“Overview”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

1. Section 2.1: we like that the list of support available is provided early in the Handbook, as far as current information allows
2. Section 2.2 Phase 1: Does failing Phase 1 also mean applicant can't submit a gTLD application? Is the General Business Due Diligence under ASP replicated for the gTLD application evaluation process?
3. Section 2.2: Phase 2:
 - a. **“Financial Need:** The applicant could not otherwise afford to apply to the New gTLD Program without financial hardship”
 - b. **“Financial Stability:** The applicant *demonstrates* a stable financial standing and the *ability to pay the remaining base gTLD application fee without experiencing financial hardship*”

Should our answer to Q2 be:

- Yes, or
- Yes, but with clarification as discussed?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~



Program Structure Highlights – Draft ASP Handbook, section 3

ASP Timelines

- Application for ASP status separated from New gTLD application process
- Application for ASP targeted for **12 months from Q4 2024 to Q4 2025**, precedes opening of gTLD application window by **6 months** (current target: Q2 2026)
- Results of an ASP application expected within **12-16 weeks** of submission
- In event applicant constrained to pay full gTLD application fees due to timing reason, and subsequently qualifies for ASP status, then will get reimbursement
- Support applicant required to submit **USD2,500** deposit on their gTLD application within 90 days of receiving positive ASP evaluation results – to confirm ability to receive gTLD fee reductions

Additional Notes

- No applicable fees for applying for ASP status.
- Applicants who do not qualify for ASP still welcome to submit a gTLD application by paying full gTLD application fee and any applicable evaluation fees.
- ASP status is tied to applicant (not gTLD string) with financial benefits for only one gTLD application
- May change application – if material, go through Application Change Request process. Cannot re-apply.
- **One-time, limited challenge to evaluation result** (subject to Supplemental Recs 32.1, 32.2 & 32.10)

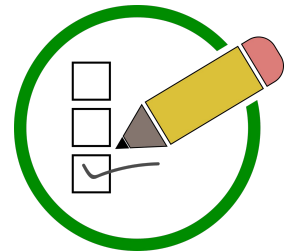
Draft ASP Handbook Q3: Program Structure

Q3. Do you believe that Section 3 (“Applicant Support Program Timeline”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

- 1. Can the 12-16 weeks evaluation period be broken down further between Phase 1 and Phase 2?**
- 2. Paying USD 2,500 deposit to ICANN on gTLD application within 90 days of +ve result on ASP application to confirm applicant’s ability to received gTLD application and evaluation fee reductions**
 - Need to allow for **extension of time** to 90 days limit
 - Same mention of 90 day limit in Table 1
- 3. Highlight disclaimers as such and avoid using “though” which mutes important notices**
- 4. Explain more clearly in what scenario there will be extension.**
- 5. To ensure expected timeline for refund on base gTLD application fee is specified in AGB**
- 6. Prohibition against re-applying in Table 1 - clarify that **prohibition to re-apply is for current round of ASP application only****

Should our answer to Q2 be:

- Yes, or
- Yes, but with suggested clarification as summarized above?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~




Draft ASP Handbook Q4: Program Structure

Q4. Do you believe that Section 4 (“Reduction of New gTLD Program Application and Evaluation Fees”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

Section 4 captures well, based on community feedback, qualified ASP applicants should expect:

1. To enjoy between **50%-85% reduction in gTLD base application fee**
2. To enjoy between **50%-85% reduction in other applicable evaluation fee**
3. To get the benefit of a **bid credit / multiplier** if participate in an ICANN Auction to resolve contention set

Our proposed answer to Q4 is:

- **Yes** 
- Yes, but with the following suggested clarification(s)
- No, ASP Handbook does not accurately reflect policy recommendations

2 Evaluation Phases & 5 Evaluation Categories

- Phase 1
 - **1. General Business Due Diligence:** legal compliance check, completeness check, New gTLD Program criteria incl background screening, cybersquatting history check

- Phase 2
 - **2. Public Responsibility Due Diligence:**
 - (1) applicant does not produce, trade in, or promote an industry/string that is contrary to generally accepted legal norms of morality and public order recognized under principle of international law and
 - (2) not affiliated with existing registry operator and/or another gTLD applicant that would not meet ASP criteria
 - **3. Financial Need:** applicant could not otherwise afford to apply to New gTLD Program without financial hardship
 - **4. Financial Stability:** applicant demonstrates stable financial standing, ability to pay remaining base gTLD applicant fee without experiencing financial hardship

GO TO DRAFT ASP HANDBOOK PDF FOR ACTUAL TEXT

Draft ASP Handbook Q5: Eligibility Criteria ^{1/4}

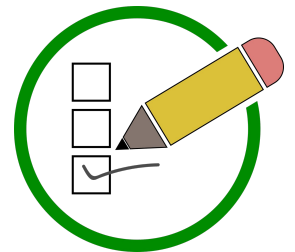
Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

5.1 General Business Due Diligence

1. Legal Compliance Check: to hyperlink sources of information - OFAC, Specially Designated Nationals and Blocked Person (SDN List)
2. Completeness Check: to hyperlink “background screening” to more information
3. Completeness Check: appreciate that ICANN org will inform applicant of incomplete application and allow time to submit requested materials, however we propose that a **deadline be set but with possibility of extension of time to comply**.

Should our answer to Q5 section 5.1 be:

- Yes, or
- Yes, but with suggested clarification as summarized above?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~



Draft ASP Handbook Q5: Eligibility Criteria ^{2/4}

Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

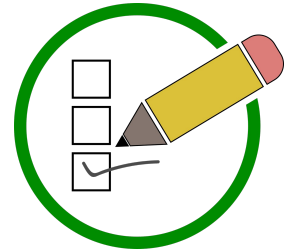
5.2 Public Responsibility Due Diligence

4. Definition of “affiliation” from Registry Agreement: To expand definition of “control” to include advisor, and taking of any monetary benefits or organizational privileges, such that it reads as,

“.....(ii) “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, or advisor, by contract, by credit arrangement or the taking of any monetary benefits or organizational privileges or otherwise.”

Should our answer to Q5 section 5.2 be:

- Yes, or
- Yes, but with suggested clarification as summarized above?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~



Draft ASP Handbook Q5: Eligibility Criteria ^{3/4}

Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

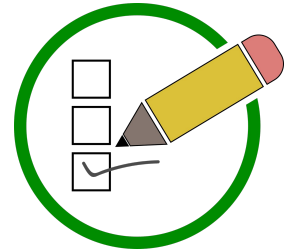
5.3 Financial Need

Indicator for financial hardship: cost of subsidized base gTLD application fee (X) is > 20% of applicant’s annual revenue OR applicant to demonstrate - through submission of budget with funding designations, financial statement, and narrative statement - that full fee presents financial hardship

5. To indicate what “narrative statement” means or better link to questions

Should our answer to Q5 section 5.3 be:

- Yes, or
- Yes, but with suggested clarification as summarized above?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~



Draft ASP Handbook Q5: Eligibility Criteria ^{4/4}

Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

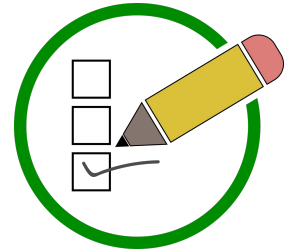
5.4 Financial Stability

Indicator for financial stability: ability to pay remaining discounted gTLD base application fee (ie. the 15%-50%) without financial hardship by submitting narrative statement to include plans for acquiring funds necessary to apply for a gTLD within 90 days of qualifying for ASP, as evidenced by a USD 2,500 deposit

6. Say “the unsupported portion” instead of “remaining discounted” gTLD base application fee?
7. As before, to indicate what “narrative statement” means or better link to questions
8. As before, set deadline but allow for extension of time for submissions

Should our answer to Q5 section 5.4 be:

- Yes, or
- Yes, but with suggested clarification as summarized above?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~



Program Structure Highlights – Draft ASP Handbook, section 5.5

- The way “Eligible Entities” works is that the 5 identified entities are not required to be mutually exclusive, such that an applicant may fit into multiple eligible categories.
 1. Nonprofits, charities, or equivalent
 2. Intergovernmental organizations
 3. Indigenous/tribal people’s organizations
 4. Social impact or Public benefit micro or small sized business
 5. Micro or small sized business from a less-developed economy
- Applicant is encouraged to submit required documentation for all applicable eligibility categories, so they may be evaluated accordingly.
- ASP applicants are only required to meet the eligibility criteria and indicators for one of the eligible entity categories listed to qualify under this criteria category
- Submitting documentation for multiple entity types does not negatively impact the applicant’s eligibility.

Draft ASP Handbook Q5: Eligible Entities

Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

5.5.1 Non-profits, charities, or equivalent

Scenario A. Some governments endorse charities/ nonprofits. Therefore, charitable status documentation may be submitted to demonstrate charitable/nonprofit status.

1. Registered, recognized entities to submit formal document or certificate from relevant regulatory authorities acknowledging charitable status, valid Equivalency Determination (ED) certificate completed by a qualified tax practitioner.....

...If the applicant does not have a formal document or certificate as described in the above indicator, additional documentation providing relevant governing and financial documentation in criteria 2.i through 2.vi may be requested by ICANN org

- There is no criterion 2.vi listed
- Clarify that not all of criteria 2.i through 2.v must be applicable

Draft ASP Handbook Q5: Eligible Entities

Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

5.5.1 Non-profits, charities, or equivalent (Cont’d)

Scenario B. In the absence of existing documentation demonstrating nonprofit/charitable status, alternative documentation may be required to assess equivalency. So, if no formal document or certificate, then need to show via other documentation

2.i Organization must certify that is organized for charitable purposes and/or that local law requires if to operate for charitable purposes shown through governing documents and self-declared information provided by organization

2.ii Organization must operate primarily for charitable purpose (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) shown through (a) governing documents and self-declared information provided by organization; (b) Ancillary documents such as annual reports, program brochures, or website may also be reviewed

- Such that ancillary documents could include official letters or chequebooks

Draft ASP Handbook Q5: Eligible Entities

Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

5.5.1 Non-profits, charities, or equivalent (Cont’d)

Scenario B Continued

2.iii Organization must show evidence that its assets will be used for charitable purposes in perpetuity

2.iv Political Engagement

- The organization’s activities cannot be aimed at political engagement activities **directly involved in and/or** intervening in political campaigns for public office **and/or political parties**. Such activities include: supporting political campaigns, raising funds for political candidates, making campaign contributions, publicly supporting or opposing political candidates, posting partisan messaging online, comparing the organization’s stance on an issue to a political candidate’s views

2.v Private benefit

- The organization's activities cannot benefit private persons or non charitable organizations and cannot be an affiliate of a for-profit entity

Eligibility Criteria – Draft ASP Handbook, section 5.5.3

- Category: **Indigenous/tribal people's organization**
- Criterion: Entity is an indigenous/tribal people's organization
- Indicators:
 - (i) Document demonstrating indigenous/tribal organization status (eg. Official registration as an indigenous organization, and/or recognition by national or international indigenous rights organization¹²; OR
 - (ii) Via a letter of support from the indigenous/tribal community
- Question/document:
 - Document required to indicate entity applying is per indicators above

12 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.

Draft ASP Handbook Q5: Eligible Entities

Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

5.5.3 Indigenous/Tribal People’s organizations

For an entity to show status in this category, provide

- Documentation demonstrating indigenous/tribal organization status (e.g., official registration as an indigenous organization, and/or recognition by national or international indigenous rights organizations)

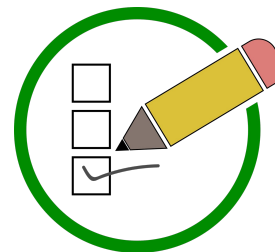
OR

- via a letter of support from the indigenous/tribal community

1.

Should our answer to Q5 section 5.5.3 be:

- Yes, or
- Yes, but with suggested clarification as summarized above?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~



Eligibility Criteria – Draft ASP Handbook, section 5.5.5

- Category: **Micro or small business from a less developed economy**

For an entity to show status in this category, provide

1. Documentation showing meets any 2 of 3 indicators
 - < 50 employees
 - Total Assets < USD 5 mil
 - Annual Sales < USD 5 mil

AND

2. Documentation to indicate the entity's principal place of business meets indicators a, b or c, and aligns with the definition for "principal place of business"
 - a. Principal place of business must be in one of the following: SIDS , LDCs, Economies in Transition, or Developing Economies (per UN Country Classification) **OR**
 - b. Principal place of business is: (i) located within indigenous/tribal lands; or (ii) an indigenous/tribal owned business as indicated via documentation demonstrating indigenous/tribal organization status **OR** a letter of support from the indigenous/tribal community
 - OR** c. If the applicant does not meet indicators a) or b) it can submit a narrative statement indicating that the principal place of business is located in a less-developed economic area demonstrated by globally recognized, verifiable, established proxy indicators.

AND

3. 51% or more of the company is owned by residents from one or more of SIDS , LDCs, Economies in Transition, or Developing Economies (per UN Country Classification)

Draft ASP Handbook Q5: Eligible Entities

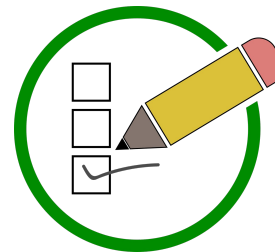
Q5. Do you believe that Section 5 (“Applicant Eligibility and Evaluation Criteria”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

5.5.5 Micro or small sized business from a less-developed economy

1. “Narrative Statement” in 2c could better be supported by a template with set format questions for applicant’s guidance

Should our answer to Q5 section 5.5.5 be:

- Yes, or
- Yes, but with suggested clarification as summarized above?
- ~~No, ASP Handbook does not accurately reflect policy recommendations~~



Draft ASP Handbook Q6: Application Process & Changes

Q6. Do you believe that Section 6 (“Applicant Support Program Application Process”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

6. Applicant Support Program Application Process

1. ...

6.1 Changes to ASP Applications

1.

Draft ASP Handbook Q7: Application Evaluation

Q7. Do you believe that Section 7 (“ASP Application Evaluation”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

7. ASP Application Evaluation

1. ...

7.1 Support Evaluation Review Panels (SARP)

2. Information on ICANN’s Code of Conduct and Conflicts of Interest Guidelines for Next Round should include how to address concerns of applicants regarding Vendors’ failure to comply with the Code of Conduct including where caught in a conflict of interest.

7.2 Assessment

3. Scope for clarifications to be done in languages other than English?

7.3 Clarifying Questions

4.

Draft ASP Handbook Q7: Application Evaluation (Cont'd)

Q7. Do you believe that Section 7 (“ASP Application Evaluation”) of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

7.5 Support Allocation for Qualified ASP Applicants

1.

Min & Max Fee Reductions

Per SubPro & GGP on ASP recommendations etc

- Qualified ASP applicants to be notified of min % fee reduction if successful
- All successful applicants to receive same min % fee reduction
- If evaluation of all applications is completed, and there remains leftover support funds, then all qualified ASP applicants may receive additional fee reduction up to a max of 85%
- If available funds exhausted within the application period, ICANN org may pause accepting new applications, but complete applications submitted before pause will be evaluated

2. To clarify meaning of “complete applications submitted” - to mean submitted applications which are complete or may be completed within a reasonable deadline will be evaluated.

3.

At-Large Resources

Web Pages

- [How to Join](#)
- [Policy Summary](#)

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- [ALAC Policy Advice Development](#)
- [Consolidated Policy Working Group \(CPWG\)](#)
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