

APF WEBINAR #2

Next Round of New gTLDs: A Primer on Applicant Support

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ICANN's Policy Development Process

Agenda

- **Recap – Webinar #1: New gTLD Program Overview**
- **This is Webinar #2: New gTLD Program - Applicant Support Program**



- **Feedback on Webinar series**



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Webinar Series

Recap – Webinar #1: New gTLD Program Overview, 7 Sep 2023

- A bit of history on the New gTLD Program
- How does the New gTLD Program impact end-users?
- What are Subsequent Procedures (“SubPro”)?
- Why should SubPro matter to end-users?
- Moving from SubPro to the Next Round of New gTLDs

Details & recording available: <https://community.icann.org/x/OwGWDw>

Hi there! I'm Pixie.

If you missed Webinar #1, you can review the recording to catch up.



Today, we're zooming in on the basics of Applicant Support



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The 2012 Round Applicant Support Program ^{1/6}

◦ Stated Goal

- *The Applicant Support Program is an initiative which seeks to serve the global public interest by ensuring worldwide accessibility to, and competition within, the New gTLD Program*
- Assists potential New gTLD applicants seeking financial & non-financial support

◦ Participation

- Financial assistance – qualified applicants could receive reduced evaluation fees of US\$47k, drawn from Applicant Support Fund of US\$2 mil
- Non-financial assistance - access to pro bono services for startup gTLD registries – Applicant Support Directory

◦ Qualification for fee reduction

1. Demonstrate financial need
2. Provide a public interest benefit
3. Possess necessary management and financial capabilities

Source: <https://newgtlds.icann.org/en/applicants/candidate-support>



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The 2012 Round Applicant Support Program 2/6

o New gTLD Financial Assistance Handbook

(General) Eligibility Criteria

- o In addition & independent of other criteria in New gTLD Program Applicant Guidebook (AGB) on capability to operate a registry
- o Only one application per applicant entity or affiliate considered
- o Cannot apply for gTLD string intended to reference a trademark, exceptions apply
- o Cannot apply for gTLD string that is a Geographic Name (defined in the AGB)
- o Cannot be a national / federal govt entity or entity with controlling interest by national / federal govt



3 Specific Criteria Sets

#1 Public Interest

1. Community-based project
2. Public interest benefit – distinct cultural / linguistic / ethnic communities, communities with defined social need
3. Service in underserve language/script with lower web presence
4. Operate in developing economy
5. Advocated by non-profit, CSO, NGO per org's social service mission
6. Operation by a not-for-profit org
7. Operation by a local entrepreneur or not-for-profit org in developing economy providing demonstrable social benefit

Threshold: min 5 of 9 pts

#2 Financial Need

1. Operational environment
2. Organizational size – SME
3. Project budget & funding resources – sustainability
4. Outreach for financial support

Threshold: min 3 of 5 pts

#3 Financial Capabilities

1. Basic financial capability – ongoing concern
2. Proven previously executed projects

Threshold: min 1 of 2 pts

Source: <https://newgtlds.icann.org/en/applicants/candidate-support>



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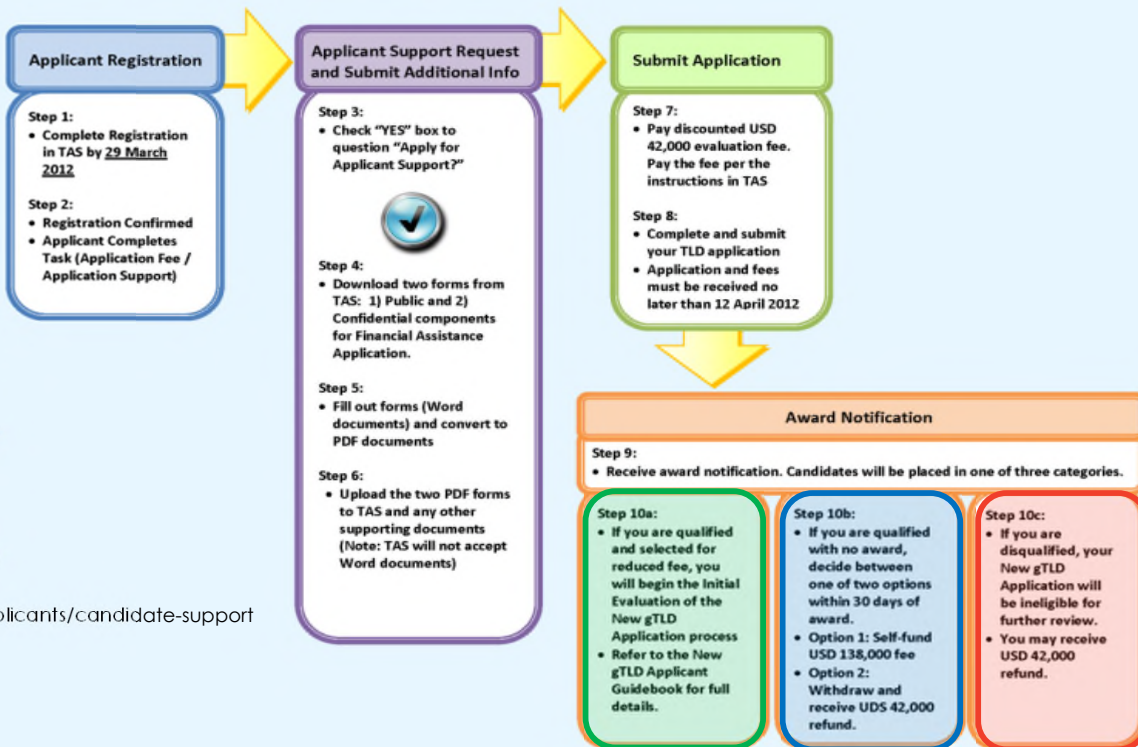
The 2012 Round Applicant Support Program 3/6

It will take too long to go through this chart in its entirety! Check the source in your own time.



Source: <https://newgtlds.icann.org/en/applicants/candidate-support>

New gTLD Application Support Process



APPLICANT
Support

The 2012 Round Applicant Support Program 4/6

o Support Applicant Review Panel (SARP)

- o Independent panel that will evaluate applicant and score the three criteria sets
- o Comprised 5 individuals with varying backgrounds, selected by ICANN through a public call for EOI
- o SARP may rely on applicant's string application, public comments and independent research, if desired
- o In scoring the three criteria sets, also rank applicants [final funding decisions to ensure those who receive fee reduction will tend to most amplify benefit]
- o "Qualified and awarded fee reduction" – remainder of US\$185k fee waived
- o "Qualified but not awarded a fee reduction" – can proceed with paying balance US\$138k, or withdraw for US\$42k refund
- o "Disqualified" – application cannot proceed, US\$42k refunded unless SARP reasonably believes there was willful gaming

Source: <https://newgtlds.icann.org/en/applicants/candidate-support>



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The 2012 Round Applicant Support Program 5/6

o Pro-Bono Services – Applicant Support Directory

- o ICANN published 2 lists (applicant needs and services offered) but did not facilitate connections, left applicants to approach
- o From the 2 lists, we know what was sought versus what was offered

Sought by Applicants

- o Application writing and processing
- o Logistical assistance
- o Legal and filing support
- o Training in sustainability plan, marketing, operations
- o Technical help, Registry Back-end Services, DNSSEC Consulting
- o Infrastructure for IPv6 compatibility
- o IDN Implementation Support
- o New Names registration, DNS services
- o Financial assistance

Offered by Service Providers

- o Application writing and processing
- o Logistical assistance
- o Legal and filing support
- o Training in sustainability plan, marketing, operations
- o Technical help, Registry Back-end Services, DNSSEC Consulting
- o Infrastructure for IPv6 compatibility
- o IDN Implementation Support
- o While Label Registrar Platform, DNS services
- o Consulting, General Education about New gTLD Program, Business modelling/financials/investment, financial analysis, .brand specialist
- o Special Support for Least/Under Developed Economies

Source: <https://newgtlds.icann.org/en/applicants/candidate-support/non-financial-support>



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The 2012 Round Applicant Support Program 6/6

o Outcome & Reflection

- o Too little, too late on communications – only 3 applicants
- o Evaluation criteria too daunting – focus on barrier to gaming outweighed goal – only 1 applicant ultimately succeeded
- o Even with Pro-bono services, facilitation would have helped

Well, that was about the 2012 Round, what about the Next Round?



Let's have a look,
shall we?

What are Subsequent Procedures (“SubPro”)?

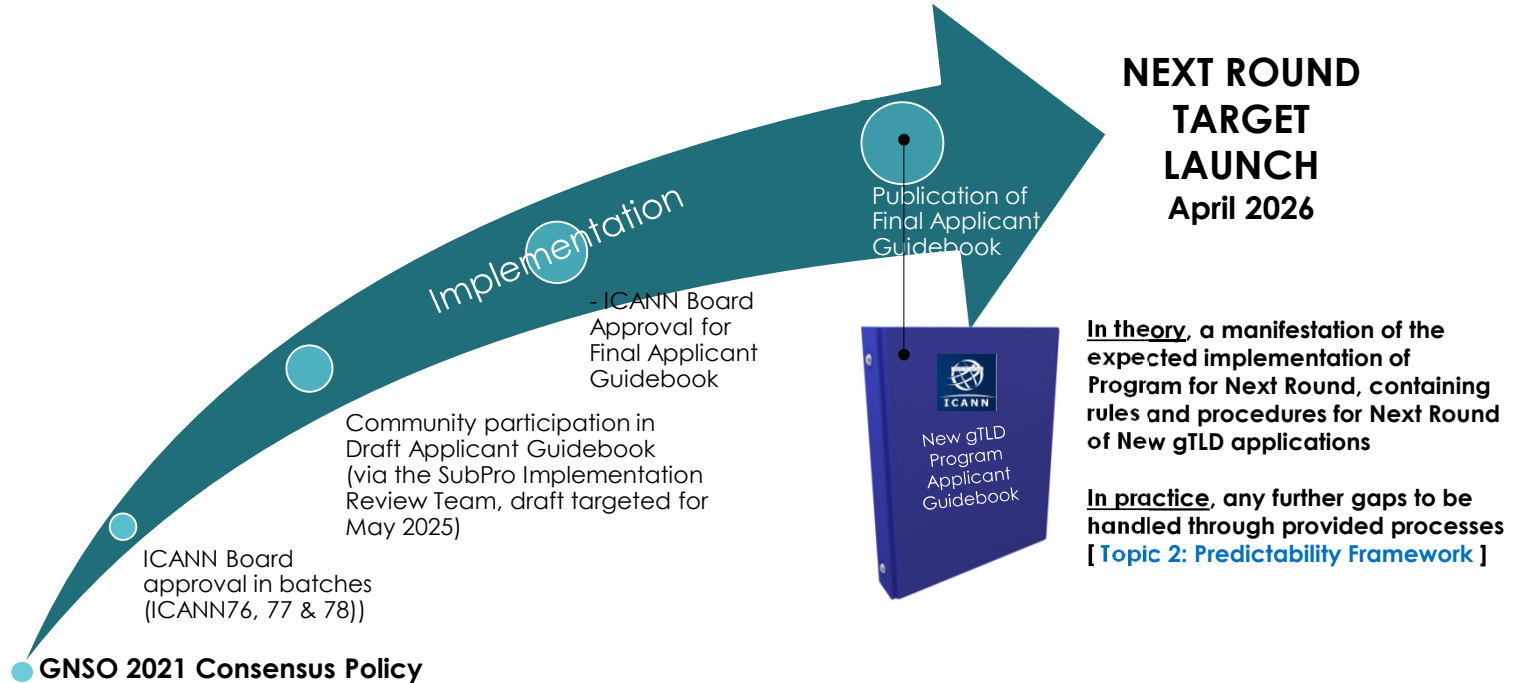
“New generic Top-Level Domain Program Subsequent Procedures”

- **Rules & procedures governing next round of New gTLD applications**
 - Determine what string can be applied for, who can apply, how to apply, what fees are payable/refundable, terms & conditions, additional requirements for certain types of TLDs etc
 - An update which ‘attempts at’ addressing issues, policy goal achievement deficiencies, lacunae, unintended consequences, etc, identified from the 2012 Round
 - Captured predominantly within an Applicant Guidebook (AGB)
- **DO NOT apply to legacy TLDs or delegated New gTLDs, or those still unresolved from the 2012 Round, or ccTLDs**



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New gTLD Program – Next Round



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SubPro Consensus Policy Recommendations of 2021 wrt ASP ^{1/5}

- **Approved by the ICANN Board**

- **Rec 17.1** – Incorporates:

- **Fee reduction must continue** to be available for select applicants that meet ASP evaluation criteria
 - **Rec 4.1** Applicants eligible for Applicant Support recognized as an applicant type
 - Further, **new types of financial support** specifically, coverage of additional application fees + a bid credit / multiplier, or similar to apply to bid by successful AS applicant that participates in ICANN Auction of Last Resort
 - ICANN to facilitate **non-financial assistance** including pro-bono assistance to applicant in need
 - ICANN must conduct **outreach and awareness-raising** during Communications Period **to potential applicants and prospective pro-bono service providers**
 - Update 2012 Implementation Guidance (IG) to:
 - acknowledge ASP was in place in 2012 Round
 - include reference to pro-bono non-financial assistance in addition to fee reduction
 - eliminate reference of UN-classification of “least developed” as ASP not limited to these applicants



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SubPro Consensus Policy Recommendations of 2021 wrt ASP ^{2/5}

- **Approved by the ICANN Board (cont'd)**

- **Rec 17.3** – ICANN to **improve outreach, awareness-raising, application evaluation, and program evaluation element and usability** of Program:
 - IG 17.4 – **Outreach & awareness-raising** delivered in advance of application window opening, commencing no later than the Communications Period
 - **IG 13.3** at least 6 months before application submission period
 - **IG 13.5** leverage GSE team, various SOs and ACs to share info
 - IG 17.6 – Outreach not only to Global South, beyond underserved or underdeveloped, but also developing economies
 - IG 17.5 – **Dedicated IRT** established, charged with developing ASP implementation elements, which should ...
 - IG 17.8 – draw on experts with relevant knowledge, including from targeted regions, to develop elements re: **outreach, education, business case development, application evaluation**
 - IG 17.9 – seek expert advice to develop framework for analysis of **metrics to evaluate success of ASP** – awareness & education, other program implementation elements, success of launched gTLD
 - IG 17.10 – consider **how to allocate financial support** in case available funding cannot provide fee reductions to all successful ASP applicants



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SubPro Consensus Policy Recommendations of 2021 wrt ASP ^{3/5}

◦ Approved by the ICANN Board (cont'd)

- **Rec 17.11** – Consider leveraging same procedural practices used for other panels, including publication of process documents and documentation of rationale
- **Rec 17.12** – [ICANN org](#) must [develop a plan for funding the ASP](#), and should ...
 - IG 17.13 – evaluate whether it can provide funds (like in 2012) or whether additional funding is needed; [amount of funding available should be determined and communicated before start of application round](#)
 - IG 17.14 – [seek funding partners](#) to help financially support the ASP, as appropriate
 - IG 17.15 – successful ASP Applicant which participates in an ICANN Auction of Last Resort to resolve a contention set to have a [bid credit, multiplier or other similar mechanism](#) for its bid
 - IG 17.16 – [conduct research](#) during implementation to determine exact [nature and amount \(+max\) of bid credit, multiplier or other mechanism](#)
 - IG 17.17 – [places restrictions](#) (with exceptions) on successful ASP Applicant that prevails in an auction, [prohibiting assignment of Registry Agreement and/or any Change of Control within no less than 3 years](#) – to prevent gaming



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SubPro Consensus Policy Recommendations of 2021 wrt ASP ^{4/5}

- **Approved by the ICANN Board (cont'd)**

- **Rec 17.18** – Unless the Support Applicant Review (SARP) reasonably believes there was willful gaming, applicants not awarded Applicant Support must be given ...
 - option to pay balance of standard application fee and convert to the standard application,
 - limited time to provide any additional info necessary for the conversion, without causing unreasonable delay to other elements of the program or to any other applicants for a string that may be in a contention set
- **Rec 17.19** – The Financial Assistance Handbook or successor must be incorporated into Applicant Guidebook (AGB)



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SubPro Consensus Policy Recommendations of 2021 wrt ASP ^{5/5}

◦ **Not Approved by the ICANN Board**

- **Rec 17.2** – Expand scope of financial support provided to ASP beneficiaries beyond application fee to also cover costs such as application writing fees and attorney fees related to the application process.
 - Deemed not in the interest of ICANN or the ICANN Community for 2 reasons – non exhaustiveness & fiduciary concerns
 - Up for 're-reworking' by the GNSO Council through its SubPro Pending Recs Small Team / Small Team Plus – ALAC Proposal for Rec 17.2 Applicant Support Resources
- **Rec 32.1** – Limited challenge mechanism to apply to evaluations (including Applicant Support) and Community Priority Evaluation (CPE), also limited appeal mechanism for all 5 Objections – String Confusion, Legal Rights, Limited Public Interest, Community and Conflict of Interest of Panelists.
- **Rec 32.2** – Clear procedures and rules must be established for challenge/appeal processes per implementation
- **Rec 32.10** – Limited challenge/appeal process must not cause excessive, unnecessary costs or delays



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Implementation of ASP-related Consensus Policy Recommendations

Part 1

Policy
Recommendations
& Implementation –
Understanding
What's Left to be
Done

o As of today ...

- o **SubPro Pending Recs Small Team Plus** to start discussing Rec 17.2 on 27 Nov; and Recs 32.1, 32.2, 32.10 subsequently
- o **SubPro IRT Sub-Track on ASP** to start meeting on 30 Nov
- o **ICANN org GDS** to meet with SubPro Pending Recs Small Team Plus on preliminary ideas for ASP implementation, following a high level preview at ICANN78 [<https://icann78.sched.com/event/1T4Kf>]
- o **GNSO Guidance Process (GGP) on AS - final guidance recommendations** pending on *inter alia*:
 - o IG 17.8 – development of elements re: [outreach, education, business case development, application evaluation](#).
 - o IG 17.9 – development of framework for analysis of [metrics to evaluate success of ASP](#) – awareness & education, other program implementation elements, success of launched gTLD
 - o IG 17.10 – [how to allocate financial support](#) in case available funding cannot provide fee reductions to all successful ASP applicants



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Thank you



HOPE YOU ENJOYED
THE PRESENTATION



ALSO HOPE YOU
FOUND IT USEFUL



AND NOW...



Do you have a question or comment?

Your questions and input would be very helpful to our participation in the Council SubPro Small Team Plus, the SubPro IRT, and for our understanding of what to include in Part 2 of this Webinar on Applicant Support.

Thank you very much for your participation and feedback.

Please join Webinar #3 in the series, in due course.



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