

## Applicant Support Program - Suggestions from the community for possible implementation

Number	Description of Proposal	How Would This Address the Board's Concern?	Suggested Mechanism to Develop Proposal	Maker of Proposal
1	<p>ICANN issues an RFP to provide consulting services to potential Applicant Support candidates that would merely help them understand the process of filling out applications and familiarize them with the technical and financial standards that must be met in order to operate a TLD. More than one provider (be it a company, a non-profit, or an expert individual) would need to be selected. ICANN would need to decide on a budget for this activity and a maximum payable to each approved provider of services - possibly a maximum number of consulting hours for each party served by the provider. Potential Applicant Support applicants would need to select just one approved provider of these educational services. Fees approved should be set at consulting rates (not legal rates) and providers selected should have experience preparing new gTLD applications. Each provider would be approved for a maximum allocation of expenditures that would comport with the ICANN budget for this activity, depending on how many qualified responses ICANN receives to provide the services and at what hourly consulting rate. Recipients of the services would need to commit not to make any claims against ICANN or its employees in connection with the services received.</p>	<p>Consulting services only advise rather than directly engage in the completion of applications or overall processing of the application. The Board concern is apparently targeted at the issue of the difficulty in actually writing checks for application fees (as opposed to just reducing application fees if the Applicant qualifies for Applicant Support and paying fees to third parties for actual hands-on preparation of applications.) This proposal looks to make expert resources available to those interested in seeking Applicant Support and to increase the success rate among Applicant Support applications.</p>	<p>To be considered along with other proposals (and could be combined with other proposals) in a Supplemental Recommendation process. The Supplemental Recommendation process should also be open to new ideas/proposals to effect the purpose of Recommendation 17.2 but within the bounds of the Board's expressed concerns.</p>	<p>Anne Aikman-Scalese</p>

<p>2</p>	<p><i>Supported Anne's proposal above and added additional components below:</i></p> <p>Articulate the use of 'in-kind' support where rather than ICANN paying applicant attorneys directly, indirectly pay for this by using not-for-profit groups who provide business, technical and legal support for non-commercial organizations and small businesses.</p> <p>ICANN could donate funds to support an independent non-profit organization that employs experts in the business, legal and technical aspects of New gTLD applications planning and preparation. This organization could efficiently and effectively provide the following tasks:</p> <ul style="list-style-type: none"> <li>A. Group counseling to potential Applicants about the requirements of Applicant Support submissions (for reduced filing fees) and help preparing them;</li> <li>B. Group counseling to potential Applicants (seeking Applicant Support) about business, legal and technical aspects of running a gTLD Registry and how to plan for and prepare business plans, and</li> <li>C. Group counseling to potential Applicants (seeking Applicant Support) about the business, legal and technical parts of a New gTLD Application and help preparing it;</li> <li>D. Individual counseling to potential Applicants (same group as above) to review drafts of applications, particularly sections involving competitive and confidential information that must remain private.</li> </ul> <p>Modify the recommendation to add clarity on how ICANN can indirectly pay for technical and legal support to eligible applicants by using not-for-profit groups who are financially supported to provide such services for free or at reduced costs to non-commercial organizations and global south businesses.</p> <p>Specifically (and as shared above), ICANN should support a non-profit organization that will employ experts in the business, legal and technical aspects of New gTLD applications and gTLD registry to efficiently and effectively provide the tasks noted above.</p>	<p>It is our understanding that the Board did not oppose 17.2 (funds beyond reduced application fees to help with application preparation and writing), but raised concerns about the a) possibility of unbounded distribution of funds (should more needy applicants seek help than expected) and b) fiduciary responsibility and liability for advice given. This proposal addresses both. Specifically, by donating funds to a few non-profit organizations (organized by language/culture), the non-profit groups receiving ICANN funding could provide business, legal and technical gTLD application classes and counseling to needy applicants. ICANN has no direct involvement with these applicant services, and thus, no fiduciary or legal responsibility for them. If more applicants than expected seek services, these organizations can increase the size of their classes (thus leveraging their business, legal and technical gTLD experts across a larger group of needy applicants). This structure is a traditional one for offering complex services to needy groups, including tax advice for seniors and incorporation advice for small businesses. Donors provide support, but do not have direct responsibility for advice given, and experts working for the non-profit provide much-needed services. The SubPro WG in 17.2 hoped that "expanding the scope of financial support" beyond application fees will increase those groups who can apply for gTLDs in the next round. We worked</p>	<p>Section 16</p>	<p>Tomslin Samme-Nlar</p>
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		<p>hard to address the Board's concerns and meet the goals of this recommendation. This proposal avoids making direct payments to consultants and lawyers, yet provides needy applicants with expert services.</p>		
3	<p>In addition to funding the actual ICANN Application Fees, ICANN can do the following:</p> <p>(a) Rather than a yearly minimum ICANN fee, ICANN can waive the minimum in favor of either: (Billable transactions are those transactions for which the registry charges a registrar - generally includes registrations and renewals)</p> <p>(i) \$2.50 per registration for up to 10,000 billable transactions per year;</p> <p>(ii) \$25,000 annual plus \$.25 for each billable transaction above 10,000 per year (eg., if there are 11,000 billable transactions, the ICANN fee would be \$25,000 plus \$250 (1000 * \$.25) = \$25,250.</p> <p>(b) ICANN can also announce that it will reimburse additional fees incurred during the application support process, including any legal and/or consulting fees to prepare the application up to a cap per successful applicant.</p> <p>(i) A successful applicant would be one that passes Initial Evaluation and survives all objections. We could also state that a successful applicant for this purpose does not have to be the winner in contention resolution. So, even if it loses in an auction, it can still qualify to get reimbursed its application support fees.</p> <p>(ii) ICANN would determine the cap based on the number of successful applicants and the amount of funds it has to disperse. This would be a decision by ICANN Org as all fee decisions are. After a successful application, the applicant would provide receipts to ICANN org. So long as the receipts are complete and valid, the reimbursement is paid out up to the cap. There are no subjective evaluations about the support that was provided to the applicant. All money would be paid to the applicant to disperse to its vendors. This ensures that ICANN will not be put in the liability path nor will it be certifying any "approved consultants" or "application service</p>	<ol style="list-style-type: none"> <li>1. It's a very straightforward and simple solution to implement.</li> <li>2. This would be purely implementation.</li> <li>3. There is no establishment of a separate company or non-profit.</li> <li>4. There is no certification of vendors and no liability for ICANN org if applicants receive assistance, but do not pass evaluation.</li> <li>5. There are no questions asked about the type of support that was provided.</li> <li>6. ICANN would not be paying the vendors directly as they would be paid by the applicant..</li> <li>7. This proposal also provides relief from full ICANN annual fees by eliminating the minimum (which would be in line with GAC recommendations).</li> <li>8. The downside is that not every applicant would get support and the applicant would have to pass the evaluation in order to get the support. This is important because it imposes a quality control on the application.</li> <li>9. And if we state that it only has to</li> </ol>	<p>The SubPro recommendation is fairly broad and states only: <i>"The Working Group recommends expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process"</i></p> <p>It does not say that there cannot be a cap, nor does it state how the money is paid out (eg., as a reimbursement or up front).</p> <p>This is completely in line with SubPro Final Report as it exists today. No changes are needed and therefore, we issue a "clarification" that</p>	Jeff Neuman

	<p>providers.”</p>	<p>pass IE and the objection phase, then it will still be reimbursed if it does not prevail during contention resolution.</p>	<p>something like this would be consistent with SubPro and is to be worked out entirely during implementation.</p> <p>No need for Section 16 or Supplemental Recommendations.</p>	
<p>4</p>	<p><b>Completeness.</b> To address the Board’s concern around “non-exhaustiveness” in the scope of financial support to be offered, the ALAC proposes that the list of applicant support services and type of third party services providers be fully enumerated. Further to this, the ALAC believes the approach to providing applicant support services must be <b>holistic</b> in order to be able to support deserving applicants throughout the application and evaluation processes up to approval, and preferably including support for the post-approval stage as well.</p> <p><b>Arm’s Length Transaction.</b> To address the Board’s “fiduciary duty concerns”, the ALAC believes that all that is required is that there be no payment made directly to third party services providers involved.</p> <p>The ALAC believes that the optimal way to implement a holistic ASP is by way of an <b>ASP Incubator</b>, as described below.</p> <p>The ASP must be holistic in its approach: it is not just to support qualified applicants “through the door” but also to provide assistance and a buffer for them to survive and succeed. Thus, the ASP Incubator should:</p> <ul style="list-style-type: none"> <li>● Be run by multiple third party operators with regional presence/operations.</li> <li>● Provide a full slate of applicant support service through pro-bono service providers, where <ul style="list-style-type: none"> <li>○ The incubator operator(s) would attract, vet, and manage globally dispersed pro-bono service providers</li> <li>○ The incubator operator(s) would effectively match service providers</li> </ul> </li> </ul>			<p>ALAC</p>

	<p>with applicants</p> <ul style="list-style-type: none"> <li>○ The incubator operator(s) would guarantee that applicants enjoy confidentiality over their respective arrangements with selected service providers.</li> <li>● Require no monetary payment from applicants to access the applicant support services, nor to service providers who would be providing services on a pro-bono basis.</li> <li>● Make a full slate of applicant support service available throughout the New gTLD Program, limited only by the availability of service providers. The full slate of applicant support services being:</li> </ul> <p>Pre-Application Submission &amp; Application Submission Phases      Evaluation Phase      Post Delegation Testing, Approval &amp; Contracting</p>			
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- Consultant: DNS/TLD business model advice
- Consultant: operations, marketing, branding, sustainability planning
- Legal: US & Local
- Consultant: Program Expertise in ASP, Community-based TLDs & CPE, Application Writing
- Consultant: Selection of Registry Back-end Service Provider
- Consultant: DNSSEC, IPv6 Compatibility
- Consultant: IDN Implementation, IDN Variant Management
- Consultant: Translation

- Consultant: Program expertise, legal support for filing / defending
  - Challenges
  - Appeals
- Consultant: Program expertise, legal – developing enforceable PICs/RVCs
- Consultant: Community Priority Evaluation (CPE)

- Legal: contracting with ICANN, Registry Back-end Service Provider, etc

In addition, applicants should be supplemented with and/or enjoy tie-ins:

- Support for evaluation fees or filing fees to the applicant for Extended Evaluations (if any), Objections, CPE (where the application is for a

	<p>Community TLD that is placed in a contention set)</p> <ul style="list-style-type: none"> <li>• Bid credits for participation in an ICANN Auction of Last Resort</li> <li>• Contractual entitlement to apply for reduction, waiver or deferral of annual registration fees (if triggered) and based on case-by-case circumstances</li> <li>• ICANN Grant Program (where feasible)</li> </ul> <p>See also:  <a href="https://mm.icann.org/pipermail/gnso-subpropendingreecs-st/2023-August/000235.htm">https://mm.icann.org/pipermail/gnso-subpropendingreecs-st/2023-August/000235.htm</a></p>			
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**What applicants should be educated on / Suggested criteria/skills for applicant support counselors**

<b>Suggested education / criteria / skills</b>	<b>Proposed By</b>	<b>Notes / comments</b>
<ol style="list-style-type: none"> <li>1. Budgeting / costs involved,</li> <li>2. Registrar Relations and the distinction between being a wholesaler vs. retailer,</li> <li>3. Importance of the marketing function and how marketing promotions can and cannot be structured,</li> <li>4. The role of Registry Customer Support (vs. Registrar Customer Support),</li> <li>5. The reservation of names and use thereof,</li> <li>6. How to convince registrars to carry your TLD,</li> <li>7. Strategies in pricing your domain name registrations</li> <li>8. The role of legal / policy in the registry,</li> <li>9. Participation in the Registry Stakeholder Group</li> </ol>	<p>Jeff Neuman</p>	<p>[Jeff] The skills mentioned are skills needed after the application process and delegation. They are what is necessary to build and sustain registry operations.</p>
<p>For applicants interested in the Applicant Support Programs, counselors and experts should provide</p>	<p><b>Reema Moussa, Tomslin Samme-Nlar, Kathy Kleiman</b></p>	<p><b>From NCSG proposal</b></p>

the following expertise and guidance:

- A. Counseling to potential Applicants about the requirements of Applicant Support Program (ASP) application (for reduced filing fees) and help preparing them. In 2012, the ASP application required extensive gTLD operational and financial knowledge (could be in groups);
- B. Counseling to qualifying Applicants (those whose ASP applications have been granted) about **business, legal and technical aspects** of running a gTLD Registry. For example, sustainable business models for new gTLDs, including planning, operations, marketing, and branding (could be in groups);
- C. Counseling to qualifying Applicants to prepare and write the **business, legal and technical parts of a New gTLD Application**. For example, most qualifying applications will need to compare and evaluate back-end service providers for the appropriate fit and understand their obligations under new DNS Abuse agreements; and
- D. Individual counseling to qualifying Applicants to review drafts of applications, particularly sections involving competitive and confidential information of the application.



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