

Next Round of New gTLDs

Draft Applicant Support Program Handbook

Continued Discussion with the At-Large CPWG - Finalization of the ALAC Comment

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Agenda

- Timetable for Consultation, Input & Submission
- Discussing Draft ASP Handbook sections 6 & 7
- Revisiting Positions on Draft ASP Handbook sections 1-5 (Polls)
- Draft ALAC comment input



Timetable for Consultation, Input & Submission

Activity

- Discussion on positions
- Review of draft ALAC statement
Mock Googleform
https://docs.google.com/document/d/14xXyM_mDI7_nv5lmqInEXFsD3womZbLwdhmMUj53O4YQ/edit?usp=sharing
- Last call for input on draft statement
- Finalization of ALAC statement
- ALAC Vote
- Submission (no extension of time)

Action by / Timeline

ICANN79: 2 Mar 2024
CPWG Calls: 13 Mar, 20 Mar, 27 Mar

CPWG: 27 Mar

CPWG: ~27-29 Mar

Penholders: 29 Mar

ALAC: 29/30 Mar – 1 Apr

Staff: 2 Apr 2024

Revisiting Positions

on Draft ASP Handbook

Sections 1 - 4

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?

- Yes
- Yes, but with the following suggested clarification(s) + *suggested language change*
- No, ASP Handbook does not accurately reflect policy recommendations + *explanation inconsistencies and provide alternative language*

(NB: the 3 answer options are identical for each Question posed by ICANN org)

⊙ Context

Section 1 dealt with:

- ss1.1 About ICANN and its Mission
- ss1.2 About the Applicant Support Program
- ss1.3 Objectives this Handbook

⊙ Our Response/Comment(s)

No issues identified, so, answer is simply “Yes”.

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

⦿ Context

Section 2 sets out in:

- ss2.1 – lists financial & non-financial support available to qualified ASP applicants
- ss2.2 – TWO evaluation phases & FIVE categories – “*To qualify for support, applicants must demonstrate that they meet criteria across the following categories:*”

1 • **Phase 1 - 1. General Business Due Diligence:**

- Legal compliance check
- Completeness check
- New gTLD Program criteria of background screening, cybersquatting history check.

“Applicants that do not pass the General Business Due Diligence pre-screening will not be considered for Phase 2 ASP evaluation.”

⦿ Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)”:

- 1 ss2.2 Phase 1 – to clarify that since the Phase 1. GBDD evaluation is identical for both ASP and gTLD program;
 - (a) whether passing Phase 1 means that ASP qualifier does not need to undergo (full) GBDD upon applying for gTLD string; and
 - (b) if failing Phase 1 prevents applicant from applying for gTLD string without support & to undergo GBDD again.

Context (Cont'd)

Section 2 also sets out in:

- ss2.2 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 ... contrary to generally accepted legal norms of morality and public order .. recognized under principles of international law (see Public Responsibility Due Diligence).”*
 - **3. Financial Need:** *“The applicant could not otherwise afford to apply to the New gTLD Program w/o financial hardship.”*
 - **4. Financial Stability:** *“The applicant demonstrates a stable financial standing and the ability to pay the remaining base gTLD application fee w/o experiencing financial hardship.”*
 - **5. Eligible Entities**
- ss2.3 – difference between ASP vs gTLD Program evaluations: qualifying for ASP **does not** guarantee or automatically result in approval for gTLD string application(s)

Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)” & suggested language change:

- (NEW) ss2.2 Phase 2 – to emphasize per Figure 2 Flowchart that if applicant fails at any evaluation category, evaluation stops and does not proceed with following category/ies;
 - i.e. *“All ASP applicants will be evaluated against the following evaluation categories (see: Figure 2. High Level Eligibility Flowchart) whereupon failure to pass one Phase 2 category will result in non-necessity to move to the next category of evaluation under Phase 2.”*
- (NEW) ss2.2 Phase 2, category 2. Public Responsibility Due Diligence – it’s equally important to include reference to non-affiliation with an existing RO and/or another non-ASP gTLD applicant as other criterion.
- ss2.2 Phase 2, is there a better way to distinguish 3. Financial Need vs 4. Financial Stability? To take up discussion under subsections 5.3 and 5.4

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

Do you agree that At-Large should comment on Section 2 as discussed?

Yes, but with the following suggested clarification(s) & suggested language change:

- 1 ○ ss2.2 Phase 1 – to clarify that since the Phase 1. GBDD evaluation is identical for both ASP and gTLD program;
 - (a) whether passing Phase 1 means that ASP qualifier does not need to undergo (full) GBDD upon applying for gTLD string; and
 - (b) if failing Phase 1 prevents applicant from applying for gTLD string without support & to undergo GBDD again.
- 2 ○ ss2.2 Phase 2 – to emphasize per Figure 2 Flowchart that if applicant fails at any evaluation category, evaluation stops and does not proceed with following category/ies;
 - i.e. “All ASP applicants will be evaluated against the following evaluation categories (see: Figure 2. High Level Eligibility Flowchart) whereupon failure to pass one Phase 2 category will result in non-necessity to move to the next category of evaluation under Phase 2.”
- 3 ○ ss2.2 Phase 2, category 2. Public Responsibility Due Diligence – it’s equally important to include reference to non-affiliation with an existing RO and/or another non-ASP gTLD applicant as other criterion.

Yes/No/Unsure

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

⦿ Context

Section 3 states:

- ASP applications window is 12 months (circa Q4 2024 to Q5 2025), up to 6 months prior to gTLD string application window starting; though ICANN org retains option to extend ASP application submission period & will communicate it accordingly to applicants & potential applicants.

1 ○ ASP applications evaluated on ongoing basis, taking approx. 12-16 weeks (proposed by ICANN org for both Phases 1 & 2)

2 ○ Qualified ASP applicants required to submit a US\$2,500 deposit on their gTLD string application within 90 days of receiving +ve ASP evaluation results (required to confirm applicant’s ability to received gTLD application & evaluation fee reductions)

⦿ Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)” & suggested language change:

1 Can the approx.12-16 weeks evaluation period include indicative-only an split between Phases 1 & 2? So that if applicant fails Phase 1, can expect to find out within first x week(s) of those 12-16 weeks?

- 2 ○ (a) To clarify that the US\$2,500 deposit for the gTLD string application is required only ONCE (i.e. tied to ONE string) as the financials benefits under the ASP apply to only ONE string.
- (b) Why 90-day limit? Why not by end of the ASP application period, or else, allow for reasonable extension of time or ability to present a letter of credit or some other form of acceptable \$ document. Need to consider that making US\$ transfer is difficult / time consuming in many parts of the world such as Global South/Asia.
 - (c) To clarify if duly paid-up US\$2,500 deposit is refundable if ASP-supported applicant decides to not proceed with gTLD string application? If yes, then what is the timeframe for refund contemplated by ICANN?

⦿ Context (Cont'd)

Section 3 also states:

- 3 ○ 2 disclaimers indicated by way of “**Though**, ICANN org retains the option to extend the ASP application submission period” and “**Though**, depending on the volume of ASP applications received in the final weeks”
- 4 ○ In unlikely event ASP applicant does not get ASP evaluation result in time before gTLD string application window opens, applicant can pay full base application fee and **get refund of supported amount if finds it qualifies for ASP.**
- 5 ○ Table 1 states, “ ... As noted in Section 8, **applicants are not permitted to re-apply for support.**”

⦿ Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)” & suggested language change:

- 3 Disclaimers should be properly highlighted, use of casual “Though,” inappropriate.
- 4 Timeframe for refund of paid supported amount needs to be provided for (either in ASP Handbook or the AGB, or both)
- 5 To clarify that the prohibition against re-applying applies only to current round (and not permanently).

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

Do you agree that At-Large should comment on Section 3 as discussed?

Yes, but with the following suggested clarification(s) & suggested language change:

- 1 ○ Can the approx. 12-16 weeks evaluation period include indicative-only an split between Phases 1 & 2? So that if applicant fails Phase 1, can expect to find out within first x week(s) of those 12-16 weeks?
- 2 ○ (a) To clarify that the US\$2,500 deposit for the gTLD string application is required only ONCE (i.e. tied to ONE string) as the financials benefits under the ASP apply to only ONE string.
 - (b) Why 90-day limit? Why not by end of the ASP application period, or else, allow for reasonable extension of time or ability to present a letter of credit or some other form of acceptable \$ document. Need to consider that making US\$ transfer is difficult / time consuming in many parts of the world such as Global South/Asia.
 - (c) To clarify if duly paid-up US\$2,500 deposit is refundable if ASP-supported applicant decides to not proceed with gTLD string application? If yes, then what is the timeframe for refund contemplated by ICANN? criterion.
- 3 ○ Disclaimers should be properly highlighted, use of casual “Though,” inappropriate,
- 4 ○ Timeframe for refund of paid supported amount needs to be provided for (either in ASP Handbook or the AGB, or both)
- 5 ○ To clarify that the prohibition against re-applying applies only to current round (and not permanently).

Yes/No/Unsure

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?

⦿ Context

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

- To enjoy between 50%-85% reduction in gTLD base application fee;
- To enjoy between 50%-85% reduction in other applicable evaluation fee(s); and
- To get the benefit of a bid credit / multiplier if participate in an ICANN Auction to resolve contention set.

⦿ Our Response/Comment(s)

Useful to note min 50% in fees reduction as important floor amount, else financial benefit may be so minimal as to be insignificant, so, answer is simply “Yes”. However, we should make the point that any applicant that qualifies for ASP must be entitled to the min stated above regardless of when it applied during the 12-month window – ICANN Board should guarantee ASP Fund meets this.

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?

Do you agree that At-Large should comment on Section 4 as discussed?

- **The min 50% in fees reduction is important floor amount, else financial benefit may be so minimal as to be insignificant.**
- **However, on equity grounds, any applicant that qualifies for ASP must be entitled to the min stated above regardless of when it applied during the 12-month window – ICANN Board should guarantee ASP Fund meets this.**

Yes/No/Unsure

Revisiting Positions

on Draft ASP Handbook

Section 5

Draft ASP Handbook Q5: Eligibility & Evaluation Criteria

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?

Section 5 covers the 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 RO and/or another gTLD applicant that would not meet ASP criteria (eg. for-profits)
 - **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:**
 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

Context – Phase 1, s5.1 General Business Due Diligence

1

Section 5.1 mentions:

- For Legal Compliance Check, reference to “OFAC, Specially Designated Nationals and Blocked Person (SDN List);
- For Completeness Check,
 - Reference made to “background screening”; and
 - **That ICANN org would inform / follow up with applicants should required documentation be missing.**
- For New gTLD Program Next Round Eligibility Criteria, under Cybersquatting History Check, reference made to:
 - Uniform Domain Name Dispute Resolution Policy (UDRP), and
 - Anti-cybersquatting Consumer Protection Act (ACPA)

Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)”:

- 1 To insert hyperlinks to various references to internal & external information.
- 2 Consider setting deadline for submission of missing required documentation but with reasonable ability to request for extension of time. No deadline or unreasonable delay by any applicant will likely impact other applicants’ opportunity to secure also ASP benefits (e.g. higher % of fee reduction)

⦿ Context – Phase 2, s5.2 Public Responsibility Due Diligence

Section 5.2 mentions 2 criteria by which applicants are excluded, i.e. must meet criteria:

- 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 principles of international law (examples cited)
- Applicant is not affiliated with an existing gTLD RO and/or another gTLD applicant in next round that would not meet ASP criteria.
 - Definition of “affiliation” and “control” is as per Registry Agreement

⦿ Our Response/Comment(s)

Answer is “Yes” with nothing additional for s5.2.

- **To maintain definition of “control”** 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.”

Sections 5.3 Financial Need vs 5.4 Financial Stability ^{1/2}

Context – Phase 2, s5.3 Financial Need vs s5.4 Financial Stability

Recap in s2.2....

- **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

Sections 5.3 & 5.4 appear to focus exclusively on the ability to pay base gTLD application fee.

5.3 Financial Need		
Criterion	Indicator(s)	Question / Document
Paying the full base gTLD application fee presents a financial hardship for applying entity	<p>Cost of the subsidized base gTLD application fee ([X%] of the [\$X] USD fee) is > 20% of applicant's annual revenue</p> <p>OR</p> <p>Applicant demonstrates – through submission of a budget with funding designations, financial statement, and narrative statement – that the full base gTLD application fee presents a financial hardship</p>	<p><u>Questions</u></p> <ul style="list-style-type: none"> • How would funding support from ICANN enable your organization to apply for a gTLD? • Why would the full base gTLD application fee present a financial hardship? <p>The answers should correspond with your financial documentation and description of funding and revenue sources.</p> <p><u>Documents</u></p> <ul style="list-style-type: none"> • Two years of most recent audited financial statements, inc. P&L, if available. If not available or more than 12 months old, most recent financial statements even if unaudited.
5.4 Financial Stability		
Criterion	Indicator(s)	Question / Document
Ability to pay remaining discounted New gTLD Program base application fee without financial hardship	<p>Submit narrative statement. Narrative should include plans for acquiring the remaining amount of funding necessary to apply for a gTLD within 90 days of qualifying for ASP</p> <p>NOTE: ASP applicants that withdraw are eligible to receive a refund.</p>	<p>Please describe how you organization plans to cover the remaining base gTLD application fee without experiencing financial hardship, as evidenced by a deposit.</p> <p><u>Determined by submitting:</u></p> <ul style="list-style-type: none"> • Audited financial statements; and • Current financial statements. • If the applicant cannot demonstrate (via above statements) its ability to pay the remaining gTLD application evaluation fees without causing hardship, the applicant must submit a funding plan for acquiring resources within the indicated timeframe to pay remaining gTLD application evaluation fees.

◉ Our Response/Comment(s)

Answer is “No, ASP Handbook does not accurately reflect policy recommendations”:

- Need a better way to distinguish 3. Financial Need vs 4. Financial Stability.
 - Mention of “financial hardship” in both is confusing, if not contradictory.
 - Deposit of US\$2,500 is only payable upon +ve ASP result, so how to use as evidence of claim of “not experiencing financial hardship” in application?
 - For eg, if base gTLD application fee is US\$260,000; with 50% financial support received; means applicant has to make a case for receiving US\$130,000 in fee reduction but still have to demonstrate that it has the ability to acquire US\$130,000 and pay a US\$2,500 deposit. So, it seems that “Financial Stability” has to do with demonstrating a “Financial Means” to make a US\$2,500 deposit upon qualifying for ASP and pay US\$127,500 when applying for gTLD string. That has nothing to do with “Financial Stability”.
 - ASP qualifier still has to undergo Financial Capability Check in string application, should not duplicative.
 - Is it clear that both 5.3 and 5.4 refer to a specific time period: 5.3 is “current” while 5.4 is “future”
- Focussing on 4. Financial Stability..... why “Financial Stability”?
 - If limited to paying the unsupported portion of gTLD application fees, then say “Financial Means” and omit “without financial hardship”?
 - If indeed looking at Financial Stability, then should be limited to examining that (a) applicant is NOT “a fly-by-night” entity or on the brink of bankruptcy. Still omit “financial hardship”; applicant has base plan to fund-raise to cover non-supported portion of base application fee, operating costs etc, which can be solidified with the ASP support, and evaluated during string application evaluation
 - Can there be other conditional considerations to accommodate situational hardship due to ongoing political crisis/instability eg Myanmar, Afghanistan (political & policy changes, forcing relocation of businesses)
 - Have a template to guide “Narrative Statement”
 - Rename “remaining discounted New gTLD Program base application fee” to “unsupported portion of the New gTLD Program base application fee”?

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?

Do you agree that At-Large should comment on Section 5, regarding the 2 Evaluation Phases & 5 Evaluation Categories generally as discussed?

Yes, but with the following suggested clarification(s) & suggested language changes:

- For s5.1 General Business Due Diligence – insert hyperlink to internal & external info sources
- Under s5.1 Completeness Check – add/set deadline for submission of missing required documentation but with reasonable ability to request for extension of time
- For s5.2 Public Responsibility Due Diligence – no change to definitions of “affiliation” and “control” needed, keep as per base Registry Agreement as tried & tested
- For 5.3 Financial Need – need to better distinguish from 5.4 Financial Stability
- For 5.4 Financial Stability –
 - To de-emphasize “stability” as a current requirement, as it is a factor for future consideration in line with purpose of getting ASP support – help with application, eg fund-raising, expertise to complete application etc; by proposing to change to “5.4 Planned Financial Means”.
 - For “Planned Financial Means” – ask applicant to identify and describe how it **plans** to acquire funding/resources needed to pay for non-supported portion of application fee first, then other costs associated with putting gTLD application together & passing evaluations, and where successful, running as an RO.
 - Any “financial stability” type assessment here should be limited to determination that applicant is not “a fly-by-night” entity or on the brink of bankruptcy.
 - Request as to how to factor in situational hardship due to ongoing political crisis/instability such as in Myanmar, Afghanistan (political & policy changes, forcing relocation of businesses)
 - Provide template to better guide requested ‘narrative statements’

Yes/No/Unsure

Revisiting Positions

on Draft ASP Handbook Section 5

Criteria under Sub-Sections 5.5.1, 5.5.3 & 5.5.5

Section 5.5 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?

⦿ **Context – Phase 2, s5.5 Eligible Entities**

Section 5.5 mentions that:

- The 5 Eligible Entities types aren’t mutually exclusive, i.e. an ASP applicant could fit into multiple types of:
 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
- Applicants are encouraged to submit required documentation for all Eligible Entity types they think fits but are only required to meet criteria and indicators of one to pass
- Submitting documentation for multiple entity types does not negatively impact applicant’s eligibility
- 2 Applicant examples provided

Sub-section 5.5.1: Nonprofits, Charities, or equivalent 1/2

⊙ Context – Phase 2, s5.5.1 Nonprofits, Charities, or equivalent

Section 5.5.1 recognizes that not all charities/nonprofits have documentation to show government-endorsed charitable/nonprofit status documentation. So, alternative documentation may be required to assess equivalency or in absence of formal doc/cert or Equivalency Determination (ED) certificate. Therefore:

○ If have, can submit:

- Formal document or certificate from relevant regulatory authority acknowledging charitable status; or
- Current, valid ED certificate completed by qualified tax practitioner; OR

1 ○ If have neither of the above, then:

- 2.i Applicant must certify it's organized for **charitable purposes** and/or local law requires it to operate for charitable purposes

2 • 2.ii Applicant must operate **primarily for charitable purposes** (i.e. at least 85% of overall operational resources dedicated to accomplishing one or more charitable objectives) – **ref to ancillary docs**

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

2 3 • 2.iv **Political Engagement**

- *“The organization’s activities cannot be aimed at political engagement activities or intervening in political campaigns for public office. 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”*
- **General advocacy:** activities such as sharing best practices, success stories, model legislation examples, providing objective analysis & research, coalition building, hosting events, signing petitions, recruiting volunteers, among other activities, are allowed

- 2.v Applicant’s **activities cannot benefit private persons or non-charitable**; applicant cannot be an affiliate of for-profit entity

Refer to
Draft ASP
Handbook
pages 20-21

Sub-section 5.5.1: Nonprofits, Charities, or equivalent 2/2

⦿ Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)” & suggested language change:

- Typo in first row, last column of table – there is no criterion 2.vi.

1 To make it clearer if/that all of 2.i – 2.v are applicable.

2 Could ancillary documents include official letters or chequebooks?

3 On Political Engagement:

- (a) Difficult for third party vendor to identify every specific event; suggest to add “direct” or “influential”
- (b) To reduce ambiguity in “political engagement activities” to only pertaining to “political campaigns for public office” or if they include political engagement activities in general – also whether “general advocacy activities” translates into “political engagement activities” could work differently across countries and situations in APAC.
- **So, suggest change to:** *“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.”*

⦿ Context – Phase 2, s5.5.3 Indigenous/tribal people's organizations

Section 5.5.3 states that an indigenous/tribal peoples' organization can either present:

- Documentation demonstrating such status such as official registration, and/or recognition by national or international indigenous rights organization; or
 - A letter of support from the indigenous/tribal community.
- Noting ability to apply under other entity types if cannot produce either or above.

⦿ Our Response/Comment(s)

Answer is simply, “Yes”

Sub-section 5.5.5: Micro or small business from less developed eco

⊙ Context – Phase 2, s5.5.5 Micro or small business from a less developed economy

Section 5.5.5 says, for an entity to this status, has to 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)

⊙ Our Response/Comment(s)

Answer is "Yes, but with the following suggested clarification(s)":

- Where "narrative statement" is mentioned, have ICANN org templated form for better guidance

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?

Do you agree that At-Large should comment on Section 5, regarding the 3 highlighted Eligible Entities as discussed?

Yes, but with the following suggested clarification(s) & suggested language changes:

- Generally, keep “ASP applicant” and/or “Applicant” as consistent terms, not introduce “organization” or “entity”
- For s5.5.1 Nonprofits, Charities, or equivalent –
 - To make clear that if applicant cannot produce formal document or certificate from relevant regulatory authority acknowledging charitable status; or Current, valid ED certificate completed by qualified tax practitioner; then all of 2.1 to 2.v conditions must be satisfied (there is no 2.vi)
 - To suggest/clarity that “ancillary documentation” could include official letters and chequebooks
 - 2.iv “Political Engagement” – to clarify to what extent checks can satisfactorily establish “*political engagement activities or intervening in political campaigns for public office*”.
 - 2.iv “Political Engagement” –
 - To reduce ambiguity in “political engagement activities”, limited to only pertaining to “political campaigns for public office” or include political engagement activities in general? Also whether “general advocacy activities” translates into “political engagement activities” could work differently across countries and situations in APAC.
 - Suggest language change: “*The organization’s activities cannot be aimed at political engagement activities **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.*”
- For s5.5.5 Micro or small business from a less developed economy – provide template to better guide requested ‘narrative statements’

Yes/No/Unsure

Establishing Positions

on Draft ASP Handbook

Sections 6 - 7

Draft ASP Handbook Q6: App. 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?

⦿ Context

Section 6 provides a high-level overview of the ASP phases via Figure 3 Sequence – steps to follow

- Business confidentiality of ASP application system remains under development
- Applicants advised NOT to submit info about their intended gTLD string when applying for ASP – to protect business confidentiality of applicant’s info
- Challenge for SARP decision still TBD – pending outcome of Board’s review of Topic 31 GNSO supplemental recommendation

Section 6.1 deals with changes to application

- After evaluation begins, all changes to application must be submitted via an application change request – description of what can or cannot be changed once application submitted TBD by ICANN org
- If material (TBD defined), change may require re-evaluation by ICANN org or SARP
- No changes, re-application or re-submission allowed once results of evaluations complete
- Text on withdrawals is pending

⦿ Our Response/Comment(s)

Either “Yes” or need not answer.

Draft ASP Handbook Q7: ASP Evaluation ^{1/3}

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

⦿ Context

Section 7 provides a high-level overview of the ASP application evaluation – Phase 1 GBDD by ICANN org, Phase 2 by third party vendor-managed evaluation

Section 7.1 deals with Support Applicant Review Panels (SARPs)

- SARPs composed of relevant experts to conduct the 4 Phase 2 evaluations
- SARP third-party vendor required to comply with ICANN’s Code of Conduct and Conflicts of Interest Guidelines for New gTLD Program
- SARP evaluations are done on an ongoing basis, on a pass/fail basis against each criterion and its related indicators

Section 7.2 deals with Assessment by SARPs

- Evaluation of criteria against applicants’ documentation is at sole discretion of SARPs
- SARPs can do independent research including reviewing applicant’s website, principle place of business, online documentation in relation to eligibility criteria and indicators, video-conferencing interviews, site visits (still TBD) and ask clarifying questions

⦿ Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)”:

- **s7.1 - Info on ICANN’s Code of Conduct and Conflicts of Interest Guidelines for Next Round must include how to address applicants’ concerns regarding SARPs/Vendor’s failure to comply**

Draft ASP Handbook Q7: ASP Evaluation ^{2/3}

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

⦿ **Context (Cont’d)**

Section 7.3 deals with Clarifying Questions

- Applicants will have opportunity to provide clarification and answers to SARP panelists

Section 7.4 deals with Evaluation Results

- 1. Applicant to receive instruction on how to submit US\$2,500 deposit within 90 days of +ve ASP evaluation results
- 2. SARPs to provide explanation of areas where applicant fails
- 2. Applicant can request for challenge and re-assessment its application (TBD)
- Applicant that fail can proceed to standard application of gTLD string and pay full fee during string application window

⦿ **Our Response/Comment(s)**

Answer is “Yes, but with the following suggested clarification(s)”:

- **S7.3 – can answers to clarifying questions be done in languages other than English?**

Draft ASP Handbook Q7: ASP Evaluation ^{3/3}

⊙ Context (Cont'd)

Section 7.5 deals with Support Allocation for Qualified ASP Applicants

- Qualified applicant will receive welcome package on the list of financial and non-financial support available
- **Min and Max Fee Reductions** (TBC/TBD)
 - Qualified applicants will be notified of % amount of min fee reduction they will receive (when % determined)
 - All ASP qualifiers will receive the same % min fee reduction (per GPP on ASP recommendation)
 - If all applications have been evaluated and ASP Support Funds remain available, then qualified applicants may receive top up of fee reduction, up to a max of 85% - any such top up will be given equally across all qualified applicants.
 - If the budget for 50% min fee reduction is exhausted during the ASP application submission period, ICANN Org may pause accepting new applications and say available funds exhausted – **complete applications submitted before pause on new applications will proceed through evaluation and support will be allocated in a manner TBD**
 - **If qualified applicants decide they no longer plan to submit a gTLD string application, they are required to communicate this to ICANN org prior to gTLD application submission period – to allow additional applications for support to be received and evaluated for eligibility.**

⊙ Our Response/Comment(s)

Answer is “Yes, but with the following suggested clarification(s)”:

- **To use a consistent term when describing “applicants” and “qualified applicants”**
- **2nd last bullet – does “Complete applications submitted before pause ...” mean those that don’t require additional info?**
- **Last bullet – to reconsider the logic: there is a 6 month gap between closing of ASP application period and opening of gTLD string application period, so how can additional applications for support be received?**

**Thank you
for engaging &
providing your input!**