ICANN | GNSO
Generic Names Supporting Organization

GNSO Guidance Process (GGP) for Applicant Support
Guidance Recommendation Final Report

Status of This Document

This document is the Generic Names Supporting Organization (GNSO) Guidance Process (GGP) for Applicant Support Guidance Recommendation Final Report for delivery to the GNSO Council.

Preamble

The objective of this Final Report is to document the GGP working group's deliberations on final guidance recommendations, including revisions identified, if any, by the working group from its review and analysis of public comments on the preliminary guidance recommendations in the Initial Report. The working group will submit this Guidance Recommendation Final Report to the GNSO Council for its consideration.

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1 Executive Summary

1.1 Introduction

During its meeting on 25 August 2022, the GNSO Council approved the GNSO Guidance Process (GGP) Initiation Request to provide additional guidance to support the eventual implementation efforts relating to the Applicant Support Program, as recommended in the New generic Top-Level Domain (gTLD) Subsequent Procedures (SubPro) Final Report. Note that per the GNSO Guidance Process Manual, the GGP "is not expected to create new "Consensus Policy" recommendations including, but not limited to, any new contractual obligations for contracted parties (in which case a PDP would need to be initiated). However, the GGP may provide interpretation or assist in providing clarity with regards to the implementation of GNSO policy recommendations."

The working group was subsequently formed and began its work in November 2022, following its work plan and timeline. Its tasks included reviewing historical information about applicant support, identifying subject matter experts, developing data and measures of success, and suggesting a methodology for allocating financial support where there is inadequate funding for all qualified applicants. See below.

The working group completed the following tasks and posted its Recommendation Guidance Initial Report for Public Comment. The next step is to deliver this Final Report to the GNSO Council for consideration. This Final Report provides recommendations relating to the identification and prioritization of metrics, including indicators of success and those relating to financing the program when qualified applicants exceed allocated funds.

Task 1 – Review the 2011 Final Report of the Joint Applicant Support Working Group and the 2012 implementation of the Applicant Support program in detail, to serve as resources for other Applicant Support related questions/tasks.

Task 2 – Working with ICANN organization (org) staff as appropriate, identify experts with expertise to aid in Tasks 3, 4, and 5.

Task 3 – Analyze the set of suggested metrics in Implementation Guidance 17.9 and propose which ones should be prioritized. The set of prioritized metrics is NOT limited to what is identified in 17.9.

Task 4 – Identify any other appropriate metrics and measures of success to help in identifying the necessary program elements and measuring program success after the fact. In identifying the suggested set of metrics, propose how data can be collected, how metrics can be measured, who can collect the data, as well as what represents success.

Task 5 *– Consider, and to the extent feasible, suggest how the "outreach, education, business case development, and application evaluation" elements of the Applicant Support Program may be impacted by the identified metrics and measures of success. For example, based on the success metrics for Awareness and Education, this may impact the approach for performing outreach and education. To the extent feasible, suggest an approach to outreach, education, business case development, and application evaluation assistance.'*

Task 6 *-- Recommend a methodology for allocating financial support where there is inadequate funding for all qualified applicants.*

1.2 Conclusions and Next Steps

The working group will submit its GNSO Guidance Recommendations Final Report to the GNSO Council for its consideration.

2 Working Group Approach

This section provides an overview of the working methodology and approach of the working group. The points outlined below are meant to provide the reader with background information on the working group's deliberations and processes. It should not be read as representing the entirety of the efforts and deliberations of the working group.

2.1 Project Plan

The working group's first deliverable was to provide the GNSO Council with a project plan. To develop the project plan, the leadership team sought input from members about the sequence in which to address topics and the amount of time each topic would take to discuss. This input was used to develop its work plan and timeline, which was [approved](#) by the GNSO Council during its the 15 December 2022 meeting.

2.2 Early Community Input

In accordance with GNSO Guidance Process Manual, the working group sought written input on the appropriate subject matter experts to join the working group from each Supporting Organization, Advisory Committee and GNSO Stakeholder Group / Constituency. The resulting suggestions for subject matter experts were incorporated as members of the GGP working group and these joined the working group's deliberations on Tasks 3, 4, 5, and 6 relating to metrics and funding.

2.3 Methodology for Deliberations

The working group began its deliberations in November 2022. The working group agreed to continue its work primarily through biweekly and then weekly conference calls and via email exchanges on its mailing list. The working group held a working session during ICANN76. This session provided an opportunity for the broader community to contribute to the working group's deliberations and provide input on the topics being discussed. The working group also held a working session during ICANN77. There it provided an overview of its preliminary guidance recommendations and summary of deliberations on Tasks 3, 4, and 5 relating to metrics.

The working group's work is documented on its [wiki workspace](#) including its meetings, mailing list, meeting notes, deliberation summaries, draft documents, background materials, and input received from ICANN's Supporting Organizations and Advisory Committees, including the GNSO's Stakeholder Groups and Constituencies.

To develop the content included in the Initial Report, the working group progressed through the tasks as assigned in the Initiation Request, following the sequence established in the work plan.

2.4 Use of Working Documents

The working group used a series of working documents to support its deliberations. Archives of the working documents are maintained on the working group wiki. As the working group progressed through discussions, staff captured a summary of deliberations and eventually populated the document with draft preliminary guidance recommendations to support further discussion and refinement of the text.

Working documents were continuously updated and working group members were encouraged to provide comments and input to the working documents between calls.

2.5 ICANN Org Interaction

To help support a smooth transition from policy development to eventual implementation of GNSO Council-adopted and ICANN Board-approved recommendations, the working group has been supported by early and ongoing engagement with ICANN org subject matter experts. A liaison from ICANN org's Global Domains and Strategy (GDS) regularly attended working group calls, providing input, and responding to questions where it was possible to do so in real time. The liaison acted as a conduit for working group questions to ICANN org that required additional research or input. The liaison also facilitated early review of working group draft outputs by ICANN org subject matter experts.

2.6 Accountability to the GNSO Council

As is now the case with all GNSO working groups, the working group delivered monthly "project packages" to the GNSO Council to update the Council on the status of its work. The GNSO Council liaison, Paul McGrady, served as an additional point of connection between Council and the working group.

3 Working Group Final Guidance Recommendations

3.1 Review and Analysis of Public Comments

Methodology:

As noted above, the working group posted its [Recommendation Guidance Initial Report](#) for [Public Comment](#). Per the GNSO Guidance Process Manual[1], the end of the public comment period, the GGP working group support staff prepared a summary and analysis of the public comments received for the working group. The working group reviewed and considered the public comments received. The working group updated two of the Proposed GNSO Guidance Recommendations as indicated below to address comments received through public comment. All comments received during the comment period are captured in the Public Comment Review Tool[2], which the working group used to review and analyze comments and to record its actions.

The working group deliberated as appropriate to properly evaluate and address comments received during the public comment period. This included the careful consideration and analysis of the public comments; explaining the rationale for agreeing and disagreeing with the different comments received, and, if appropriate, how these will be addressed in the Guidance Recommendation Final Report. Following the review of the comments received and additional deliberations, the working group produced this Final Report for transmission to the GNSO Council.

The working group reviewed all public comments using a [Public Comment Review Tool](#). Prior to the review, working group members were expected to read all comments so that, following a staff summary of the comments being addressed, they could focus on discussion and analysis during the meetings. After a first review and analysis of all comments, the working group conducted a second review focusing only where there were substantive changes to Guidance Recommendations. The results of this review and analysis are captured below in the deliberations and rationale for each guidance recommendation.

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[1] See GNSO Guidance Process Manual at: https://gnso.icann.org/sites/default/files/file/field-file-attach/annex-5-ggp-manual-15mar23-en.pdf.
[2] See the Public Comment Review Tool on the GGP wiki at: https://docs.google.com/spreadsheets/d/1ODG6uTTbaWlANMnA-uDrF9WSMBgnPJ5Io4RtQC0N32o/edit?usp=sharing.

Organization:

The Guidance Recommendations are organized by the following Tasks. Guidance Recommendation 1 through 6 address Tasks 3, 4, and 5:

Task 3 – *Analyze the set of suggested metrics in Implementation Guidance 17.9 and propose which ones should be prioritized. The set of prioritized metrics is NOT limited to what is identified in 17.9.*

Task 4 – *Identify any other appropriate metrics and measures of success to help in identifying the necessary program elements and measuring program success after the fact. In identifying the suggested set of metrics, propose how data can be collected, how metrics can be measured, who can collect the data, as well as what represents success.*

Task 5 – *Consider, and to the extent feasible, suggest how the "outreach, education, business case development, and application evaluation" elements of the Applicant Support Program may be impacted by the identified metrics and measures of success. For example, based on the success metrics for Awareness and Education, this may impact the approach for performing outreach and education. To the extent feasible, suggest an approach to outreach, education, business case development, and application evaluation assistance.'*

Guidance Recommendation 7, 8, and 9 address Task 6:

Task 6 -- *Recommend a methodology for allocating financial support where there is inadequate funding for all qualified applicants.*

The Guidance Recommendations also are organized by Applicant Support Program life-cycle elements as follows:

1. Communications and Outreach/Awareness;
2. "Business Case" Also Known As Applicant Understanding And Determining Need/Opportunity and Developing Application
3. ICANN Org Set Up Of Applicant Support Program For Success (Operationally Speaking)
4. Application Submission and Evaluation
5. Contracting/Delegation
6. Ongoing Operations of the gTLD

Finally, per the GNSO Guidance Process Manual, "…it is recommended that the GNSO Council take into account whether the GGP Team has indicated that any recommendations contained in the Final Report are interdependent."[1] Accordingly, the GNSO working group emphasizes that the Implementation Review Team (IRT) should take into consideration potential dependencies among all the recommendations. and that the objectives therein are to be balanced as a key aspect of the program's success."

LIFE CYCLE ELEMENTS:

1. COMMUNICATIONS And OUTREACH/AWARENESS

Guidance Recommendation 1: Increase awareness of the Applicant Support Program of the next round of gTLD applications among those who may need and could qualify for support. This should not exclude any entities from outreach efforts, such as private sector entities from underserved and developing regions and countries, recognizing the goal is to get as many qualifying applicants as possible.

Implementation Guidance: Target potential applicants from the not-for-profit sector, social enterprises and/or community organizations from under-served and developing regions and countries.

Indicators of Success:
Quantitative: Conversion rates proportionate with industry standards for online campaigns and in-person events, with specific metrics and pre-agreed to be determined in consultation with ICANN org Communications and applicable contractor(s).

Qualitative: Survey results about quality and clarity of information that are proportionate with industry standards, with specific metrics to be determined and pre-agreed in consultation with ICANN org Communications and applicable contractor(s).

Data/Metrics to Measure Success: Click-throughs, inquiries, registrations to get more information, etc.

Qualitative Measurements: Results of the surveys about the quality of the information provided – whether the recipient understood the information, made an informed decision to consider pursuing further or walk away.

Rationale for Final Guidance Recommendation:

Per the Initial Report, the working group agreed that a communications program was essential to increase awareness of the Applicant Support Program of the next round of gTLD applications among those who may need and could qualify for support. While the goal discusses prioritizing communications towards certain demographics, this should not be read as completely forgoing communications towards other demographics. The guidance for communications/outreach should also have no bearing on the evaluation process.

Following the public comment review, the working group agreed to compromise language combining suggestions from Com Laude and the Governmental Advisory Committee (GAC) to specifically not exclude private sector entities as a balance to maintain the intent of the original Guidance Recommendation while providing further clarity.

Public Comment Review:

Wording change: The working group extensively discussed the comment--particularly those from Com Laude, the Business Constituency (BC), and the GAC--in support of specifically clarifying that for-profit entities are not excluded from outreach. There was some opposition from working group members to leveraging limited resources for for-profit entities. Some working group members noted that while for-profit entities should not be excluded, given the nature of the program, it seemed preferable to emphasize the support for non-profit organizations. In its initial discussions the working group seemed to agree that the comments could be addressed by making it clear that for-profit businesses are not excluded in the recommendation.

With respect to the Non-Commercial Stakeholder Group (NCSG) comment, which was in the category of "Support the Recommendation as Written", the working group agreed that the design of the surveys might be something that would be eventually addressed during implementation. This could be flagged as an implementation element to the Implementation Review Team (IRT).

At least one working group member supported including some language suggested by Gabriel Karsan (individual), particularly in terms of mentoring and deeper support to new applicants as that is within the spirit of the program. But there was no agreement to include that language in the Guidance Recommendation or Implementation Guidance as it was not clear where it would be appropriate, particularly in the case of "mentoring" as it relates to outreach. Other working group members suggested that it was repetitive. There also were concerns expressed about the term "eligible applicants", particularly how that would be determined. On the issue of the types of non-monetary support provided, the GNSO Council Liaison to the GGP noted that this aspect of the SubPro recommendations, in particular 17.2, is being addressed by the GNSO Council Small Team on the Non-Adopted Recommendations, and thus is out of scope for the GGP.

The working group noted that the comments from the GAC, Com Laude, and the BC seemed to be thematically related as they are primarily related to targets of outreach. The GAC suggested adding an element for outreach to include private-sector entities. At least one working group member noted that the BC's comment potentially changes the intent of the recommendation by suggesting revising it to, "Target ALL potential applicants from diverse organizations from under-served and developing regions and countries." However, working group members also noted that the Com Laude comment

seems to be trying to clarify the intent of the recommendation by saying that the focus of the outreach is not meant to be at the exclusion of certain parties. One working group member emphasized that the Guidance Recommendation should not give the impression that for-profit applicants need not apply, although others noted that the recommendation should not have any bearing on the application process. Still others raised concerns about limited resources such that outreach must necessarily be limited to not-for-profit entities.

Some working group members noted the concern with domain speculators in the last round. Working group members noted, however, the difference is that the focus is on outreach. Giving the opportunity to apply in the first place and raise that awareness, is different, and the risk is much lower.

Some working group members noted that the GAC suggestion would be a compromise because it was not a significant change to the intent of the recommendation. As a further compromise, working group members suggested combining the suggested wording from Com Laude and the GAC to not exclude any entities from outreach efforts, including for-profit organizations, recognizing the goal is to get as many qualifying applicants as possible. There was broad agreement among working group members to accept the suggestion from Com Laude with the suggestion to include "private-sector entities" from underserved regions in the list of entities that should not be excluded.

2. "BUSINESS CASE" ALSO KNOWN AS APPLICANT UNDERSTANDING AND DETERMINING NEED/OPPORTUNITY AND DEVELOPING APPLICATION

Guidance Recommendation 2: That the Applicant Support Program has cultivated pro bono services as well as ICANN-provided information and services to be available for supported applicants to inform their gTLD applications; that ICANN will communicate the availability of pro bono services and the parameters in which they are offered to potential supported applicants; and that supported applicants report that they found the information and services offered by pro bono providers to be useful.

Indicators of Success:

Quantitative: A majority of Applicant Support Program applicants that access pro bono services indicate moderate to high satisfaction with those pro bono services and information.

Qualitative: A majority of Applicant Support Program applicants that are surveyed about quality and usefulness of services, such as pro bono services, indicate how and why those services were useful to their application.

Data/Metrics to Measure Success: A majority of respondents that are surveyed about pro bono services indicated that the services and information that they received was

useful to informing their gTLD application and/or assisting them through the application process.

Rationale for Final Guidance Recommendation:

The working group agreed after reviewing and analyzing the public comments to maintain the guidance recommendation. As stated in the Initial Report, the working group agreed that both pro bono services as well as ICANN-provided information and services must be made available as key elements of the Applicant Support Program for supported applicants to inform their gTLD applications. The working group also agreed that it was essential for ICANN to communicate the availability of pro bono services and to seek feedback as to whether they are useful. Following the public comment review, the working group also agreed that while ICANN org should not take on a matchmaker or facilitator role between pro bono provider and applicants, it can assist by providing basic information such as the types of services are provided.

Public Comment Review:

The working group noted that in its comments the Non-Commercial Users Constituency (NCUC) suggests that the GGP should respond to SubPro recommendation 17.2. However, the working group has consistently agreed that this is out of scope because it is being addressed by the GNSO Council's Small Team on SubPro Non-Adopted Recommendations.

With respect to the comments from the Non-Commercial Stakeholder Group (NCSG), pertaining to the last clause of the Guidance Recommendation being an indicator of success, the GGP support staff noted that the clause, "and that supported applicants report that they found the information and services offered by pro bono providers to be useful" in the usual construction of the recommendations should be understood as a goal, while the indicator of success was, "A majority of Applicant Support Program applicants that access pro bono services indicate moderate to high satisfaction with those pro bono services and information." The representative from the NCSG on the working group agreed and emphasize that the intent of the NCSG comment was to make that clarification.

The working group also noted that the GAC comments emphasized that it would be helpful to clarify that ICANN has a role to facilitate between applicants and pro bono service providers. The working group representative from the GAC clarified that it is suggesting to add an element about recruiting and vetting pro bono providers. That ICANN can play a matchmaker role between the pro bono providers and potential applicants to demonstrate that ICANN does have a role beyond just a sending out a list of names of pro bono services. ICANN could help facilitate, for example, by working together with the particular applicants to make a successful application. Some working

group members expressed concerns about ICANN in the role of a facilitator and vetting pro bono providers.

ICANN org explained that it has started reaching out to potential or pro bono service providers with an expression of interest survey. But something like matchmaking sets up a completely new responsibility and accountability for ICANN. The working group noted that there was also a question about whether or not there is adequate coverage from pro bono services. From the results of the ICANN org survey of potential pro bono service providers, as noted by the working group, it appears that there is generally adequate coverage from both a capacity perspective/regional coverage, but also from a capabilities perspective, with the exception of technical expertise. However, the working group emphasized that the survey is indicative of pro bono service provider capacity, not of potential interest from potential applicants to the ASP. ICANN org noted that the survey was also intended to help identify opportunities for additional outreach if there were significant gaps in available capacity. The results of the survey, without the benefit of additional communications and engagement, is encouraging in showing a good deal of latent interest in supporting the Applicant Support Program.

With respect to ICANN org's response to the question about matchmaking and vetting pro bono service providers, ICANN org explained that it will do its best to conduct due diligence on pro bono service providers. However, ICANN does not plan to be a "matchmaker"-- rather it plans to raise awareness between the two groups. So, for example, ICANN could host webinars for supported applicants where providers could have a chance to present themselves the services they can offer, in what regions, in what languages, and on which types of services. It would not be the same as matching an applicant with a provider -- the onus would still be on the applicants to contact pro bono service providers, should they want their help. ICANN org noted that it is satisfied with the way that the Guidance Recommendation is currently worded at the moment, "that the applicant support program has cultivated pro bono services," that is, not meaning matchmaking, but simply enabling.

After extensive discussion there was no agreement among working group members to amend the Guidance Recommendation language based on the GAC comments. In particular, working group members were concerned that matchmaking does not seem to be in scope or appropriate for ICANN to perform. The working group further noted that matchmaking, which creates a new responsibility, also seems to create potential accountability and liability concerns. The working group did agree with ICANN org that there can be some categorization of the providers to help designate what expertise the providers possess, and that this point would be useful to add to the rationale. The working group noted that this might be a good middle-ground between just a list and matchmaking.

3. ICANN ORG SET UP OF APPLICANT SUPPORT PROGRAM FOR SUCCESS (IN OPERATIONAL TERMS)

> **Guidance Recommendation 3:** That the Applicant Support Program has the necessary resources to achieve its goals based on the GGP Guidance Recommendation Report.
>
> **Indicators of Success:**
>
> *Qualitative*: Survey results from event attendees, potential Applicant Support Program applicants, and actual Applicant Support Program applicants indicate a high degree of understanding about the Applicant Support Program and the gTLD Program application requirements.
>
> **Data/Metrics to Measure Success:** "mentions", the quality of the coverage (e.g., reach, correct messaging, positive tone, appropriate outlet), and the geographic distribution of the coverage. Additional communications metrics that can be considered include social media statistics, website traffic, and event attendance (physical and online), inquiries, event registrations indicate awareness and have cultivated interest among potential applicants to get more information about the Applicant Support Program.
>
> **Qualitative Measurements:** Results of the ongoing surveys about the quality, accessibility, and usefulness of the information and events provided about the Applicant Support Program.

Rationale for Final Guidance Recommendation:

As noted in the Initial Report, the working group agreed that it was important to include an operational recommendation that the Applicant Support Program has the necessary resources, the related metrics, and measures of success to achieve its goals. In particular, as noted in the above Guidance Recommendation, operational readiness is very important because without it, the communications, pro bono resources, funding allocations — that is the elements that form the heart of the program – are not achievable.

Also, as noted in the deliberations on the GAC comments in the public comment review, the working group agreed that the phrase "necessary resources" was sufficiently broad as to include the notion of financial and human resources, and thus they agreed not to amend the Guidance Recommendation accordingly.

Public Comment Review:

The working group discussed the GAC comments supporting the recommendation but with a wording change. Specifically, the GAC suggested a clarification of what is meant by "resources." Some working group members noted that this clarification could be included as implementation guidance, or by inserting "including financial and human

resources" in parentheses after "necessary resources". Others were concerned that this change could be overly prescriptive. After some discussion, the working group generally agreed that it seems that the phrase "necessary resources" was sufficiently broad as to include the notion of financial and human resources. Thus, the working agreed to not amend the Guidance Recommendation to include the clarification, but did agree that some language could be included in the rationale.

4. APPLICATION SUBMISSION AND EVALUATION

Guidance Recommendation 4: Make application materials and the application process timely and accessible to diverse potential applicants, with the aim of facilitating successful applications in the Applicant Support Program among those who may need and could qualify for support.

Indicators of Success:
ICANN Learn module/survey results show that a majority of applicants had a strong understanding of the application requirements and evaluation process.

Data/Metrics to Measure Success: Percentage of applicants that applied that indicated via survey or ICANN Learn module that they had a strong understanding of the ASP application requirements and evaluation process.

Qualitative Measurements: Results of surveys about whether the applicant was successful or made an informed decision not to submit an application (noting that survey response rates from entities that ultimately chose not to submit an application may be quite low and difficult to measure).

Rationale for Final Guidance Recommendation:

As noted in the Initial Report, the working group agreed that the aim of the Applicant Support Program should be to facilitate successful applications among those applicants who may need and could qualify for support. To that end, the working group further agreed that it was important that the Applicant Support Program should provide timely and accessible application materials and the application process to diverse potential applicants.

The working group agreed after reviewing and analyzing the public comments to maintain the Guidance Recommendation.

Public Comment Review:

Although the GAC supported the recommendation as written, it did suggest a wording change to emphasize the importance of the word "timely". The working group in its

discussion agree that there is validity in their highlighting the notion of timeliness, and that perhaps that could be included in Implementation Guidance. However, after further discussion the working group agreed that no changes were needed in response to the comment. The working group also noted the comments from the NCUC supporting the recommendation as written.

5. CONTRACTING/DELEGATION

Guidance Recommendation 5: Of all successfully delegated gTLD applications, the goal is that a certain percentage of them should be from supported applicants.

Indicators of Success:
No fewer than 10, or 0.5 percent (.005), of all successfully delegated gTLD applications were from supported applicants.

Data/Metrics to Measure Success: 0.5 percent (.005) of successfully delegated gTLD applications are from supported applicants. Note that this percentage is not in relation to the number of strings applied for, rather the number of applications.

Rationale for Final Guidance Recommendation:

Per the Initial Report, the working group agreed that it was important to have a goal that a percentage of successfully delegated gTLD applications should be from supported applicants. However, the working group also agreed that it needed to establish achievable goals, taking into account experiences from the 2012 round. In addition, the working group recognized that a potential applicant may have all the information and pro bono services needed but may make an educated choice to not apply for a gTLD. Given those factors, the working group agreed that a modest number of applications, or a small percentage, can be seen as a success.

Following the public comment review, the working group agreed to language that, "This should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum." In addition, it agreed to add to the rationale that adequate resources should be made available if the number of qualified applicants exceeds or greatly exceeds the indicator of success, since the indicator of success should be seen as a floor, not a ceiling. The working group agreed that this change captures the intent that ICANN should strive to exceed the minimum number while addressing the concern that a stretch goal could result in failure or a lack of adequate resources.

Public Comment Review:

Wording Change: Working group members noted that the Com Laude comments suggest adding nuance to the recommendation – a deeper analysis of supported applications versus non supported. They further noted that this change might raise

more questions and could be misunderstood. They agreed that it would be helpful to get feedback from ICANN org on the feasibility of capturing these metrics. Com Laude is adding an additional nuance to the recommendation: that looking at just the delegation rates is insufficient and that one might need to look at the comparison of supported applications and unsupported applications throughout the life cycle of the program. In summary, to identify how well supported applications do throughout the various elements of the program and assessing if that is comparable to a standard application. The proposal recommends carrying out long-term evaluation of the viability of supported applicants versus non-supported applicants.

With respect to the Com Laude comments, ICANN org responded that it is planning to hire expert evaluators. ICANN org will, of course, take into account the suggested success metrics the GGP has developed as guidance. And, it will be important to give the expert some degree of flexibility in developing and utilizing an evaluation method it thinks is appropriate for assessing the ASP. ICANN org emphasized that it does want to understand if a supported applicant fails the gTLD evaluation, why they failed. However, collecting information about non-supported applicants in the gTLD Program, which is suggested in the comment among other things, seems to go beyond the scope of evaluating the ASP.

With respect to the GAC comments, working group members noted that it may sound like going from 1 to 10 ASP applicants is success, but this does not seem like it goes far enough. There is a perception that the GGP is validating that only 10 successful applicants means the program has succeeded. In its deliberations, the working group emphasized that there were several successful applicants from the Global South who ended up operating their gTLDs. Running a registry is running a business and it needs registrants in order to be successful. One working group member suggested that it may also be helpful to look at domains under management in ccTLDs where in some instances, there are few domains under management. They further emphasized that the purpose of having a number and a percentage is to help account for a very large number of applications.

The GAC noted that it wants the program to be ambitious. The working group agreed that it may be helpful to identify a stretch target to address the GAC's concern without unduly limiting the program (e.g., receiving 19/20 successful applications). Setting too ambitious of a goal can create an avenue for the program to be attacked as a failure. Working group members agreed that it needs to be careful to not make recommendations too prescriptive as can be seen from the SubPro recommendations, the Board may push back against something overly prescriptive.

The GAC suggested text that initially included a stretch target of 175-315 successfully delegated gTLD applications, based on the target range identified in the results of the Expression of Interest Survey - Applicant Support Pro Bono Service Providers. However, working group members continued to express concern with a number in the range of

175+. An alternate suggestion from the GAC was to identify a stretch target as 50. One working group member suggested that this is already 5 times the agreed upon target of the GGP. There was also a suggestion was to include goals of the program (e.g., fostering diversity and choice). Several working group members cautioned that a goal should not be established based on the survey as the numbers in the survey are in relation to the number of providers not applicants that have indicated their intention to apply.

Working group members initially suggested new language that indicates the desire for a stretch goal without necessarily putting in a specific number: "Indicators of Success: No fewer than 10, or 0.5 percent (.005), of all successfully delegated gTLD applications were from supported applicants. This should not prevent a stretch target, to achieve the aim of achieving greater global diversification of the new gTLD application program." The goal is to try and capture the concern of the GGP of not being ambitious enough, without unintentionally creating additional bars that must be reached. More data would be needed to establish a specific stretch goal. This would require more time. Extending the timeline of the GGP by several months will most definitely impact the implementation of the ASP and potentially the overall timeline for the New gTLD Program.

After extensive discussion, the working group agreed to retain language that, "This should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum." In addition, it agreed to add to the rationale that adequate resources should be made available if the number of qualified applicants exceeds or greatly exceeds the indicator of success, since the indicator of success should be seen as a floor, not a ceiling. The working group agreed that this change captures the intent that ICANN should strive to exceed the minimum number while addressing the concern that a stretch goal could result in failure or a lack of adequate resources.

6. ONGOING OPERATIONS OF THE GTLD

Guidance Recommendation 6: ICANN org to investigate the extent to which supported applicants that were awarded a gTLD are still in business as a registry operator after three years.

Implementation Guidance:
1. If supported applicants that were awarded a gTLD are *not* still in business as a registry operator after three years, ICANN org should investigate barriers/challenges that failed registry operators experienced to help inform future aspects of Applicant Support Program and/or other capacity development new registry program.
2. Following completion of a new gTLD round, ICANN org should collect data on the number of supported applications that resulted in a delegated TLD by region, and those that did not; track operations of those delegated TLDs for

> three years; and conduct of survey of the successful and unsuccessful supported applicants to determine which elements of the program they found useful or not.
>
> **Indicators of Success:**
> Number of supported applications that result in a delegated TLD and track operations over a designated time period, for example three years.
>
> **Data/Metrics to Measure Success:**
> - The number of registrants of domain names registered in "regional" TLDs (e.g., TLDs focusing mainly on a local, limited market), keeping in mind that there are other barriers for registrants in developing countries to access domain names, such as inability to access online payment services and a lack of local registrars.
> - The number of domain names registered in "regional" new gTLDs compared to the number of Internet users in such regions. These numbers could be compared with the same numbers for Internet users and "regional" new gTLDs in developed regions such as Europe and North America.

Rationale for Final Guidance Recommendation:

As noted in the Initial Report, the working group agreed that in order to demonstrate the success of the Applicant Support Program it would be important to not only delegate supported applicants, but to see that after a certain period of time, a supported applicant that was awarded a gTLD was still in business as a registry operator.

Following the public comment review, the working group agreed that the recommendation includes the concept that supported applicants were awarded a gTLD in the next (not previous) round, since the recommendation is meant to be forward looking. In addition, the working group agreed that the countdown for the Guidance Recommendation for a supported applicant to "still in business as a registry operator after three years" starts from delegation, which can be further refined during implementation. Finally, the working group agreed that beyond three years there should be periodic checks thereafter, as well as a comparison of rates against non-supported applicants.

Public Comment Review:

In its comments, ICANN org suggests making the recommendation forward looking, so using "next round" in the recommendation, as in "supported applicants that were awarded a gTLD [in the next round]". The working group agreed to include this concept in the rationale.

In its review of the GAC comments, the working group considered including in the rationale the need for more specificity in determining when the three-year countdown for delegation begins. For example, the working group noted that the term "registry operator" implies that a contract has been signed. The working group debated as to whether the period of three years should be from delegation, or if it should be from contract signature. Follow the discussion, the working group agreed to capture in the rationale the nuance that the countdown for the Guidance Recommendation for a supported applicant to "still in business as a registry operator after three years" starts from delegation, which can be further refined during implementation.

The working group representative for the ALAC suggested that it might be helpful to look at the timeframe beyond three years, perhaps to add language about periodic checks thereafter, as well as adding the possibility to compare rates against non-supported applicants. The working group agreed that this language could be included in the rationale.

In their review of the comments from the NCSG, the working group noted that the comments seem to suggest parsing out the data, but agreed that this may be covered in the Implementation Guidance.

Interdependencies of Guidance Recommendations 7, 8, and 9:

As noted above, the GNSO working group emphasizes that the IRT should take into consideration potential dependencies among all the recommendations. In particular, with respect to Guidance Recommendations 7, 8, and 9 relating to recommending a methodology for allocating financial support where there is inadequate funding for all qualified applicants, the working group clarifies that these recommendations are to be interpreted as interdependent and that the objectives therein are to be balanced as a key aspect of the program's success. In addition, per recommendation 17.12 the GGP is not suggesting ICANN org only develop a funding plan for the Applicant Support Program if funding for supported applicants drops below a certain level.

Guidance Recommendation 7: In the scenario that there is inadequate funding for all qualified applicants in the Applicant Support Program, the recommended methodology for allocating financial support should be for ICANN org to allocate limited funding by way of fee reduction equally across all qualified applicants, while not hindering the efficiency of the process. In this context the working group agreed to assume, for the sake of equity, that one application equaled one string. This recommendation is made in the context of no additional funding being made available. However, the group recommends that ICANN org give high priority to and make every effort to provide additional funding so that all successful applicants are supported.

Guidance Recommendation 8: To mitigate the risk that the allocation of support under the Applicant Support Program could be diluted to the point of being unhelpful, ICANN org should designate a minimum level of support each qualified applicant must receive, and develop a plan if funding drops below that level.

Guidance Recommendation 9: ICANN org should develop a flexible, predictable, and responsive Applicant Support Program in order to communicate the results of evaluation process and allow applicants to know their range of support allocations as early as possible in a transparent manner.

Rationale for Final Guidance Recommendations:

Recommendation 7:

As noted in the Initial Report, in the fortuitous case of limited funding in the presence of an overwhelming number of qualified applicants, the working group agreed to apply the principle of fairness to the methodology to allocate support. It further agreed that the principle of fairness can be best deployed by allocating reductions in funding equally across all qualified applicants.

After completing the public comment review, the working group agreed that it was important to emphasize that it made the deliberate decision not to prioritize groups of applicates seeking support.

Recommendation 8:

Also in the Initial Report, the working group agreed that in the case of limited funding it is possible that there could be too little reduction in funding to be useful to qualified supported applicants. The working group did not think it was necessary or in scope for it to provide details concerning how ICANN could mitigate the risk of that occurring. However, it did agree to recommend that ICANN should both designate a minimum level of funding as well as develop a plan to mitigate the risk.

Following the public comment review, the working group emphasized that in the case where funding should drop below a certain level as in the recommendation, there could be a community consultation, such as via the IRT.

Recommendation 9:

Per the Initial Report, the working group discussed is how to deal with the timing of notifications of funding for qualified candidates and the concern that it could be detrimental for applicants to have to wait until the end of the application window before being notified of funding. In this regard, working group members suggested that

the GGP could provide a guidance recommendation in the form of principles that the Applicant Support Program should allow for flexibility in the timing of notifications.

Following the public comment review, the working group agreed to emphasize how important early notice is to applicants.

Public Comment Review:

Guidance Recommendations 7, 8 & 9:

For all three recommendations, the working group noted the ICANN org concerns in its comments that there could be inconsistencies between recommendations 7-9 unless they are considered to be interdependent. When asked by the working group to explain their comments about dependencies, ICANN org emphasized that it is about considering Guidance Recommendation 7, 8, and 9 together, because on the one hand, the working group said that they would like to have a floor -- a minimum amount that that would want to have respected. At the same time, the recommendation is to let applicants to know as early as possible whether they'll receive support. Also at the same time, the recommendation is for funding to be equally distributed. ICANN org noted that some of those requirements might seem contradictory. So, ICANN org emphasized that these three Guidance Recommendations should be read together to ensure that when implemented, they don't conflict. Related to that point is the ICANN org suggestion to reference policy recommendation 17.12 to clarify that the GGP is not suggesting ICANN org only develop a funding plan for ASP if funding for supported applicants drops below a certain level. Following extensive discussion, the working group agreed to include preamble text introducing Guidance Recommendations 7, 8, and 9 noting their interdependencies and that per recommendation 17.12 the GGP is not suggesting ICANN org only develop a funding plan for ASP if funding for supported applicants drops below a certain level.

Guidance Recommendation 7:

The working group noted that the NCSG in its comments suggested for recommendations 7 and 8 that prioritization is worthwhile, even if it is a difficult task. However, working group members expressed the concern that this suggestion for prioritization might be out of scope. They further noted that prioritization has been discussed before, but to do so now will challenge timelines. The working group agreed that prioritization in this context is not warranted, and it is better to focus on ensuring additional funds are available if this circumstance arises. The working group agreed to add to the rationale that the working group has made a deliberate decision to not prioritize.

A few working group members raised the issue of the budget for the Applicant Support Program and whether the recommendation should include ICANN seeking other sources

of funding if the budget is inadequate, but other working group members noted that this issue had been previously discussed and deemed out of scope.

Guidance Recommendation 8:

The working group discussed the GAC comments suggesting a wording change in the recommendation to "a transparent plan [in consultation with the community] if funding drops below that level". Some working group members questioned what is meant by "consultation" – did it mean a Policy Development Process or a public comment process? They expressed the concern that the consultation does not add anything or could delay the launch of new gTLDs since the Applicant Support Program is in the critical path. ICANN org noted that the IRT already is a community consultation. After additional discussion, the working group agreed to add language to the rationale that in the case where funding should drop below a certain level as in the recommendation there could be a community consultation, such as via the IRT.

Recommendation 9:

The working group discussed the comments from the GAC and agreed to emphasize how important early notice is to applicants and include that in the rationale. For the comment from Gabriel Karsan, the working group agreed that it seems to be overly complicated and would add new information to the recommendation. Furthermore, working group members agreed that it seems like a lot of detail that otherwise should be left up to the IRT.

4 Next Steps

The working group will submit its GNSO Guidance Recommendations Final Report to the GNSO Council for its consideration.

Annex A - Background

The New gTLD Subsequent Procedures (SubPro) Final Report envisioned some levels of substantive work taking place during the Implementation Review Team (IRT) phase of the work, after ICANN Board adoption of the recommendations. For instance, in Topic 17: Applicant Support, Implementation Guidance 17.5, the report suggests the creation of a dedicated IRT, and it be charged "with developing implementation elements of the Applicant Support Program. In conducting its work, the Implementation Review Team should revisit the 2011 Final Report of the Joint Applicant Support working group as well as the 2012 implementation of the Applicant Support program." This dedicated IRT was to be charged with making substantive decisions on outreach activities and allocation of scarce resources (e.g., when there are more qualified applicants than available funds), among other activities.

Sometime after the submission of the Final Report, some community members made informal requests to the ICANN staff and Board that formation of this "dedicated IRT" be pulled forward in time (that is, before Board approval of the Final Report) with the rationale that: (1) it would ensure there was sufficient time to competently complete this complex task to design an effective Applicant Support Program; (2) since this was to be a dedicated team, the effort would not unnecessarily extend the effort of the traditional IRT; and (3) regardless of the timing of the Board approval, having developed an effective Applicant Support Program would be of benefit to ICANN.

On 12 September 2021, the ICANN Board resolved to initiate an Operational Design Phase (ODP). The ODP was officially launched at the beginning of 2022. The ODP Team, in reviewing the recommendations related to Topic 17, was concerned that the work recommended by SubPro was potentially out of scope of the role envisaged by an IRT, per the PDP Manual and Consensus Policy Implementation Framework. The Council responded, without opining on whether the work presented a scope issue, but rather, committed to providing guidance on select topics where additional substantive work was envisaged by the recommendations and implementation guidance contained in the Final Report.

The Council has determined that the provision of guidance is best accomplished via the GNSO Guidance Process (GGP). This would accomplish the twin goals of pulling the work forward to avoid becoming the "tall pole" in the next round launch and providing sufficient time and the correct resources to devise an Applicant Support program that would expand the regional and language diversity of the new gTLD Program.

Per Annex 5 of the GNSO Operating Procedures, GNSO Guidance Process Manual, "A GGP may be initiated by the GNSO Council when a request for input relating to gTLDs (either a new issue or in relation to previous policy recommendations) has been

received from the ICANN Board or a gTLD issue has been identified by the GNSO Council that would benefit from GNSO Guidance, and it has determined that the intended outcome of the GGP is not expected to create new "Consensus Policy" recommendations including, but not limited to, any new contractual obligations for contracted parties (in which case a PDP would need to be initiated). However, the GGP may provide interpretation or assist in providing clarity with regards to the implementation of GNSO policy recommendations. The GGP should not be used as a tool to reopen a previously explored policy issue only because a constituency or stakeholder group was not satisfied with outcome of a previously held process on the same policy issue, unless the circumstances have changed and/or new information is available."[3]

During its meeting on 25 August 2022, the GNSO Council approved the GGP Initiation Request to provide additional guidance to support the eventual implementation efforts relating to the Applicant Support Program, as recommended in the SubPro Final Report.

The working group was subsequently formed and began its work in November 2022, following its work plan and timeline. Its tasks include reviewing historical information about applicant support, identifying subject matter experts, developing data/metrics and measures of success, and creating methodology for allocating financial support where there is inadequate funding for all qualified applicants.

Once the working group completes all of its tasks, it is expected to produce a GNSO Guidance Recommendation Report (this Report), which will be subject to Public Comment. Following the review of Public Comment submissions and, if required, additional deliberations, the working group will produce a Final Report for the consideration of the GNSO Council and subsequently for consideration by the ICANN Board.

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[3] See Annex 5 GNSO Guidance Process Manual at: https://gnso.icann.org/sites/default/files/file/field-file-attach/annex-5-ggp-manual-15mar23-en.pdf

Annex B - Working Group Membership

Per the Initiation Request, the working group's structure is as follows:

The working group will employ a "Representative + Observers" model, consisting of Members and Observers. This model is chosen to enable the working group to conduct and conclude its work in an efficient/effective manner while allowing for inclusive community participation. As this GGP builds on the existing SubPro work and is intended to conclude in an expeditious manner, Members must either possess a level of expertise in previous deliberations and/or knowledge that may have been lacking during those initial deliberations.

The table below indicates the maximum number of Members and Alternates that groups may appoint.

Group	Members	Alternates
RySG	1	1
RrSG	1	1
CSG	1	1
NCSG	1	1
ASO	1	1
ccNSO	1	1
ALAC	1	1
GAC	1	1
SSAC	1	1
RSSAC	1	1

The working group members can be found at: https://community.icann.org/display/GGPGIRFAS/Members+and+Mailing+List and the email archives can be found at: https://mm.icann.org/pipermail/gnso-ggp-wg/.

The working group held its first meeting on 21 November 2022. Recordings and transcripts of the group's discussions can be found on its wiki space. It has conducted its work primarily through biweekly conference calls, in addition to email exchanges on its mailing list.

Plenary Meetings:
- 18 Plenary calls (with 0 cancelled) for 18 call hours

Leadership Meetings:
- 10 Leadership calls (with 1 cancelled) for 5 call hours

Annex C – Consensus Designations

Below is the GGP working group Chair's designation as to the level of consensus on each recommendation in this Guidance Recommendation Final Report. These designations were made in accordance with Section 3.6 - Standard Methodology for Making Decisions of the GNSO Working Group Guidelines.[4] [By the deadline of 07 December 2023, no objection was received from GGP members to the Chair's proposed Consensus Designations.]

Recommendation #	Chair's Proposed Designation
Final Guidance Recommendation 1	Full Consensus
Final Guidance Recommendation 2	Full Consensus
Final Guidance Recommendation 3	Full Consensus
Final Guidance Recommendation 4	Full Consensus
Final Guidance Recommendation 5	Full Consensus
Final Guidance Recommendation 6	Full Consensus
Final Guidance Recommendation 7	Full Consensus
Final Guidance Recommendation 8	Full Consensus
Final Guidance Recommendation 9	Full Consensus

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[4] See GNSO Working Group Guidelines at: https://gnso.icann.org/sites/default/files/file/field-file-attach/annex-1-gnso-wg-guidelines-15mar23-en.pd.f

Annex D - Community Input

4.1 Request for Input

According to the GNSO's GGP Manual, a GGP working group should formally solicit statements from each GNSO Stakeholder Group and Constituency at an early stage of its deliberations. A GGP working group is also encouraged to seek the opinion of other ICANN Supporting Organizations and Advisory Committees who may have expertise, experience, or an interest in the issue. This GGP working group was specifically tasked with seeking subject matter experts from its representative groups as follows:

Task 2 – Working with ICANN org staff as appropriate, identify experts with expertise to aid in Tasks 3, 4, and 5.

As a result, the working group reached out to all ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request for input on identifying subject matter experts. Except for At-Large, which designated a subject matter expert in addition to its two representatives, the other responses confirmed that their appointed representatives were also their subject matter experts.

4.2 Review of Input Received

The suggested subject matter experts were added to membership of the working group and included in the deliberations on Tasks 3, 4, 5, and 6.

Annex E – New gTLD Subsequent Procedures Final Report Implementation Guidance 17.9 -- Metrics

Implementation Guidance 17.9: The dedicated Implementation Review Team should seek advice from experts in the field to develop an appropriate framework for analysis of metrics to evaluate the success of the Applicant Support Program. The working group identified a non-exhaustive list of potential data points to support further discussion in the implementation phase. The working group anticipates that the dedicated IRT will consider how these and other potential metrics may be prioritized:

- Awareness and Education:
    - number of outreach events and follow up communications with potential applicants
    - level of awareness about the New gTLD Program/Applicant Support Program
    - number of enquiries about the program/level of interest expressed/number that considered applying
    - number of applicants
        - first-time applicants versus repeat applicants
        - applicants submitting a single application versus portfolio applicants
        - applications based on pre-existing trademarks
    - diversity and distribution of the applicant pool: geographic diversity, languages, scripts
- Other Elements of Program Implementation:
    - number of ICANN staff members and contractors supporting the Applicant Support Program
    - number of service providers offering pro bono assistance and value of assistance offered/provided
    - number of applicants accessing/using pro bono assistance
    - number of approved applicants for financial assistance
    - number of applicants who received bid credits, multiplier, other and were successful in auction
    - the value of the bid credits, multiplier, other
    - number of applicants who withdrew from auction
    - number of applicants who entered into a business combination or other forms of joint ventures
    - length of time before any change of ownership occurred
- Success of Launched gTLD:
    - The number of registrants of domain names registered in "regional" TLDs (e.g., TLDs focusing mainly on a local, limited market), keeping in mind that there are other barriers for registrants in developing countries to

access domain names, such as inability to access online payment services and a lack of local registrars.

- o The number of domain names registered in "regional" new gTLDs compared to the number of Internet users in such regions. These numbers could be compared with the same numbers for Internet users and "regional" new gTLDs in developed regions such as Europe and North America.