

Applicant Support Program



DRAFT Briefing for GGP

23 January 2022

1. Responses to Open Questions from the Previous Briefing

Pro Bono Resources in 2012

A total of 24 entities were available to 2012 applicants. Among the group, the following services were provided:

- Technical assistance including back-end support for Critical Functions: 17
- Application creation/authoring: 17
- Legal Services: 10
- Support for IDN Implementation: 9
- Marketing and communications: 10
- Operations and Consulting: 16

Further information:

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

2. Review of Policy Analysis

ASP: ICANN org Analysis

- **Rec 17.2** calls for ICANN org to expand “the scope of financial support provided to [...] beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process.”
 - As noted in the [Board’s comments on the Draft Final Report](#), **expanding financial support to cover fees that ICANN org does not charge does not seem feasible or appropriate** to implement.
 - “In considering other ways to follow the intent of Recommendation 17.2 and expand the scope of financial support, [in the ODA] ICANN org suggests that this may be accomplished through a **reduction in other ICANN fees**.

- In the ODA, ICANN org suggests to:
 - Work collaboratively with a sub-committee of the IRT focused on ASP to **explore ways to follow the intent of expanding the scope of ASP** (Rec 17.2), taking into account research on other “globally recognized procedures” (IG 17.7)
 - Recognizing the GGP efforts will not conclude in time to be included in the ODA, ICANN org’s analysis and proposed design of the ASP is based upon:
 - the SubPro Final Report Outputs,
 - the GNSO Council’s responses to policy questions, and
 - ICANN org’s assumptions related to the Outputs.

Summary of ICANN org analysis

- The Applicant Support Program application submission period (for support requests only, not collecting gTLD application information) **should be opened 18 months prior** to the opening of the new gTLD round in order to:
 - provide more time for applicants to develop applications and work with pro bono providers.
 - if an applicant does not qualify for support, notify them before the application system opens gives them time to request alternative support from potential funders.
 - give org time to judge how many applicants are requesting support.
 - give the org time to conclude its funding plan (i.e., demonstrating higher demand may yield additional funding).
- It is still worth noting that a reduced application fee may be a significant amount of money for some applicants.

Highlights from ICANN org assumptions

- Org has raised questions regarding a “dedicated Implementation Review Team” with regard to its role relative to policy development and to the overall SubPro Implementation Review Team. The ODA suggests a dedicated IRT sub-committee to foster integration with the overall IRT and which would incorporate outputs from the GGP.
- Publishing the funding amount available at the start of the Applicant Support Program should not preclude the org from seeking additional funding should the demand for support exceed the allocated budget.
- Applicant support related to ICANN org fee structures would be allocated in percentages rather than set values.
- Determining the definition for “struggling regions” will be difficult and as such, ICANN org suggests assessing applicants based upon demonstrable financial need regardless of their geographic location.

***Note:** the full list of ICANN org assumptions on Applicant Support can be found on the [SubPro ODP Wiki](#)

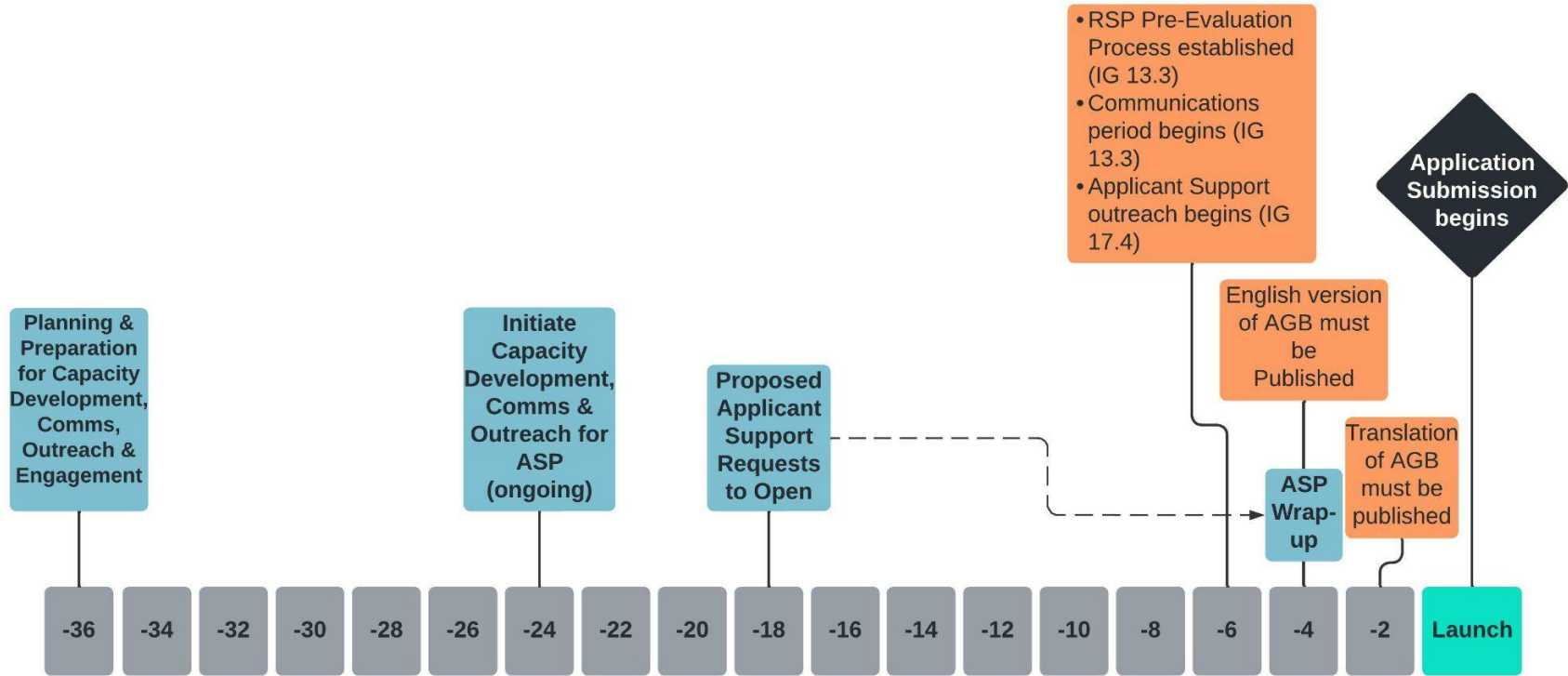
3. Implementation Considerations

Timing and Dependencies

- Future rounds have a number of dependencies and prerequisites as noted in the ODA
- The Applicant Support Program is a key dependency to open the next round for New gTLDs.
 - Key elements of the ASP will benefit from GGP outputs
 - All elements need to be clearly described in the AGB and ASP Handbook
 - ASP elements, pro bono resources, and general information will need to be effectively communicated to build global awareness

4. Appendix

Applicant Support Program Draft Estimate Workback Schedule: Option 1

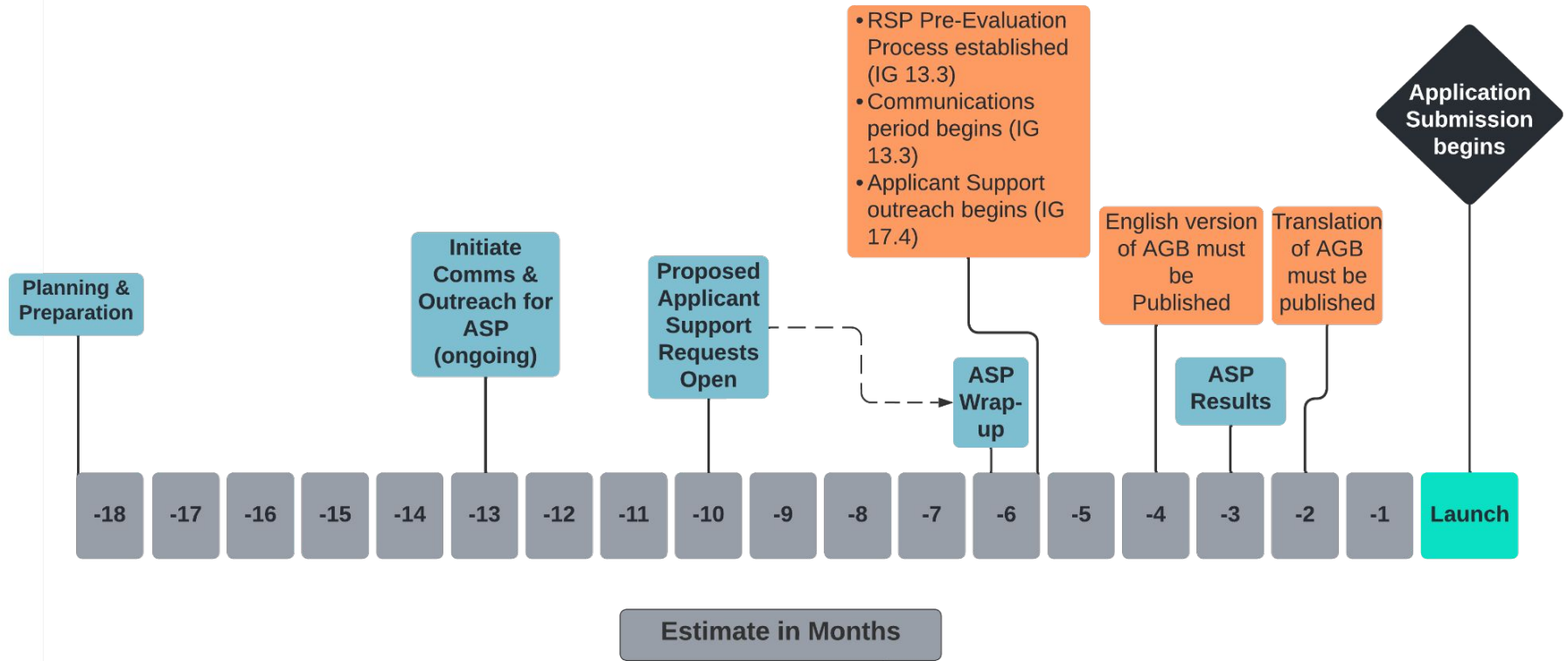


Estimate in Months

Minimum timeframe required by SubPro outputs
As planned for Applicant Support Program (ASP)

Applicant Support Program Draft Estimate Workback

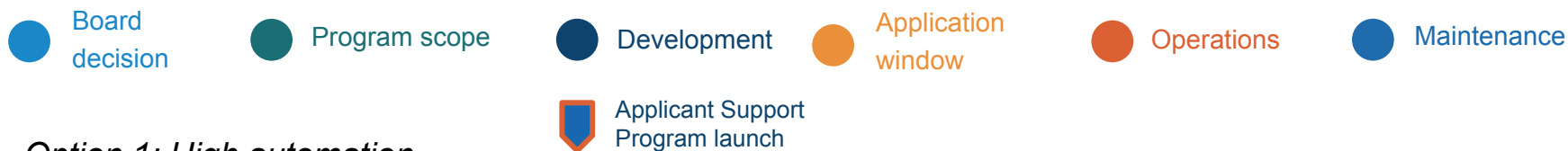
Schedule: Option 2



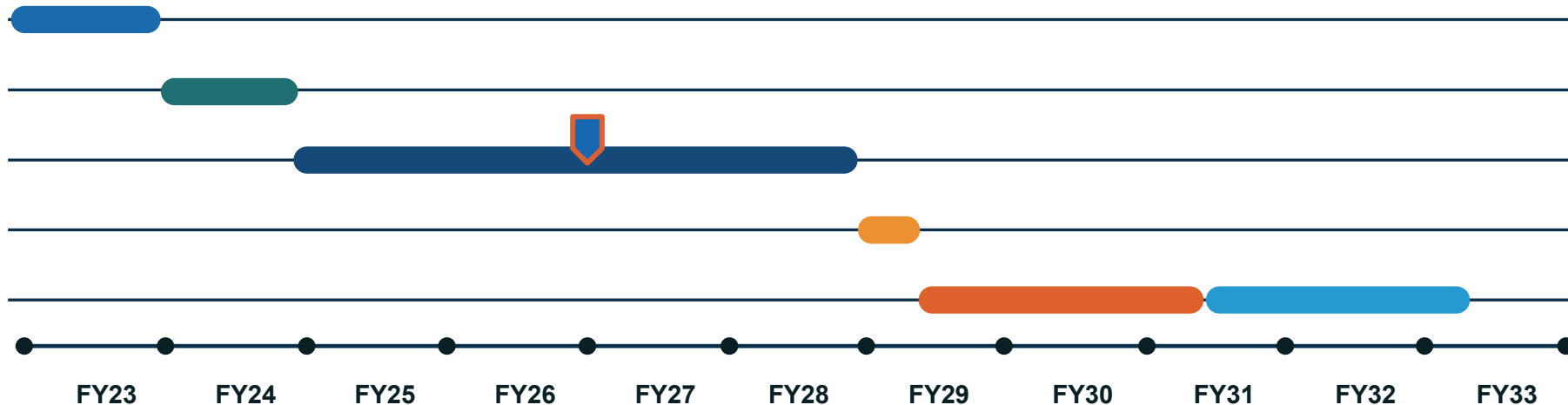
Minimum timeframe required by SubPro outputs

As planned for Applicant Support Program (ASP)

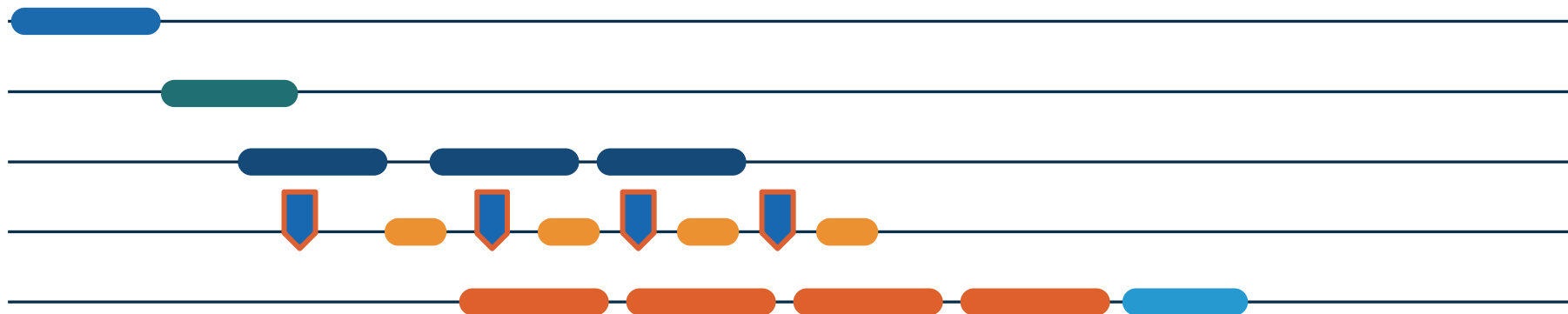
Timeline overview of Option 1 and 2



Option 1: High automation



Option 2: Batching



Topic 17 Applicant Support Program Assumptions

Index	Assumption	Relevant Output	Rationale & Supporting References
O-187	<p>Outreach and awareness efforts will be expansive and conducted well in advance of the opening of the next round, and no later than the start of the communications period/awareness campaign.</p>	<p>Outreach and awareness-raising activities should be delivered well in advance of the application window opening, as longer lead times help to promote more widespread knowledge about the program. Such outreach and education should commence no later than the start of the communications period.</p>	<p>Conducting timely outreach is essential to ensuring participation in the next round of new gTLDs.</p>
P-177	<p>Should there be more applications that meet the scoring threshold than there are funds to allocate, ICANN will seek additional funding for qualifying applicants that need support. This could be by making an adjustment to the regular application fees to provide more funding for supported applicants, assuming the AGB is not yet finalized; additional budget allocation by the Board; and/or by reducing the amount of financial support for each applicant, so that all applicants receive support.</p>	<p>The dedicated Implementation Review Team should consider how to allocate financial support in the case where available funding cannot provide reduced fees to all applicants that meet the scoring requirements threshold.</p>	<p>Funds for Applicant Support may be limited. In the case that it may not be possible to obtain additional funding, ICANN should be prepared to allocate funds equally across all qualifying applicants.</p>

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P-178	ICANN will conduct research and/or engage researchers to assess the amount of the bid credit for Applicant Support Applicants participating in Auctions of Last Resort.	Research should be conducted in the implementation phase to determine the exact nature and amount of the bid credit, multiplier, or other mechanism described in Recommendation 17.15. Research should also be completed to determine a maximum value associated with the bid credit, multiplier, or other mechanism.	The amount of the bidder credit for Applicant Support Applicants must be backed by research and analysis to prevent potential issues related to inequity and/or gaming.

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Index	Assumption	Relevant Output	Rationale & Supporting References
P-179	<p>ICANN will facilitate pro-bono assistance by identifying potential service providers and maintaining a list of such providers. ICANN will not provide any assistance directly.</p>	<p>Therefore, the Working Group recommends the following language in place of Implementation Guideline N: "ICANN must retain the Applicant Support Program, which includes fee reduction for eligible applicants and facilitate the provision of pro-bono non-financial assistance to applicants in need." The revised language updates the original Implementation Guideline to:</p> <ul style="list-style-type: none"> ● acknowledge that the Applicant Support Program was in place in the 2012 round ● include reference to pro-bono non-financial assistance in addition to fee reduction ● eliminate the reference to economies classified by the UN as least developed, as the Program is not limited to these applicants. 	<p>Although ICANN cannot provide assistance directly, ICANN should, in addition to financial assistance, also provide resources for applicants to receive pro-bono services. For example, in the previous round, ICANN facilitated a directory of pro-bono services.</p> <p>On the ASP FAQ page (https://newgtlds.icann.org/en/applicants/candidate-support/faqs) it states: "Examples of the types of support that organizations can provide include:</p> <ul style="list-style-type: none"> - New gTLD Program application writing and application process -Logistical assistance -Technical help -Legal and filing support -Registry back-end services -Infrastructure for providing IPv6 compatibility; IPV6 compatible hardware/networks -DNS services -IDN implementation support -DNSSEC consulting -Translations -Training – in areas like building a sustainability plan, marketing, and operations.

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P-180	In lieu of a "dedicated IRT," a sub-team of the IRT will be established to foster cohesion and continuity with the implementation of the overall New gTLD Program.	A dedicated IRT should be established and charged with developing implementation elements of the Applicant Support Program. In conducting its work, the IRT should revisit the 2011 Final Report of the Joint Applicant Support Working Group, as well as the 2012 implementation of the Applicant Support program.	ICANN org recognizes that the GNSO has initiated a GNSO Guidance Process (GGP) in August 2022. The GGP's scope focuses on Applicant Support. Convening one IRT would enhance efficiency, recognizing that Applicant Support is integral to other aspects of the new gTLD program.
P-181	Procedures for the Support Applicant Review Panel (SARP) will be similar to other evaluation panels, such as those evaluations foreseen under Topic 27: Applicant Reviews.	The Working Group supports Recommendation 6.1.a in the Program Implementation Review Report, which states: "Consider leveraging the same procedural practices used for other panels, including the publication of process documents and documentation of rationale."	The procedures for the SARP should be aligned with other evaluation panels and these procedures should be transparent.

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P-182	<p>ICANN will research “globally recognized procedures” that could be adapted for the Applicant Support Program and will engage a vendor to develop framework/metrics/evaluation criteria for Applicant Support Program.</p>	<p>The Working Group supports Recommendation 6.1.b in the Program Implementation Review Report, which states: “6.1.b: Consider researching globally recognized procedures that could be adapted for the implementation of the Applicant Support Program.”</p> <p>In implementing the Applicant Support Program for subsequent rounds, the dedicated Implementation Review Team should draw on experts with relevant knowledge, including from the targeted regions, to develop appropriate program elements related to outreach, education, business case development, and application evaluation. Regional experts may be particularly helpful in providing insight on the development of business plans from different parts of the world.</p> <p>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</p>	<p>Having a better understanding of globally recognized procedures may help ICANN implement a program that better suits the needs of potential applicants. Additionally, engaging experts in developing criteria, frameworks, will help ICANN better meet (and define) the needs of its target groups/regions.</p>

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P-183	Applicants will qualify for support, or not, based upon community-established criteria and evaluation. Applicants seeking support through the Applicant Support Program that do not qualify will retain the option to pay the full application fee.	Unless the Support Applicant Review Panel (SARP) reasonably believes there was willful gaming, applicants who are not awarded support (whether “Qualified” or “Disqualified”) must have the option to pay the balance of the full standard application fee and transfer to the standard application process. Applicants must be given a limited period of time to provide any additional information that would be necessary to convert the application into one that would meet the standard criteria (e.g., showing how the applicant for financial and other support could acquire the requisite financial backing and other support services to pass the applicable evaluation criteria). That said, this limited period of time should not cause unreasonable delay to the other elements of the New gTLD Program or to any other applicants for a string in which its application may be in a contention set.	It would be challenging for ICANN org to make a determination as to whether an applicant “willfully gamed” the Applicant Support Program. The determination as to whether an applicant seeking support receives that support, or any support, is dependent upon applying agreed-upon criteria and based upon the evaluation of the SARP. Applicants seeking support that do not qualify retain the ability to apply for a new gTLD under the standard application fee structure.

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P-185	<p>ICANN org will publish the base funding amount available prior to launching the Applicant Support Program. However, ICANN org will also seek additional funds should there be more qualified applicants seeking support than the original funding available.</p>	<p>ICANN org must develop a plan for funding the Applicant Support Program, as detailed in the Implementation Guidelines below.</p> <p>ICANN org should evaluate whether it can provide funds (as they did in 2012) or whether additional funding is needed for the Applicant Support Program in subsequent rounds. The amount of funding available to applicants should be determined and communicated before the commencement of the application round.</p>	<p>ICANN must determine the amount of funding and where it will come from. To ensure that potential applicants are aware of the amount of funding available, this should be communicated prior to the next round.</p> <p>The funding in the previous round, as well as the use of those funds, provides a starting point for determining the amount of funding for the next round. As mentioned in the assumptions related to conducting outreach/engagement, to determine the amount of funding needed, it is key to have a clear estimate of potential applicants.</p>

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P-184	Fee reduction will be available to eligible applicants. The Applicant Guidebook will contain a list of enforceable eligibility criteria for the Applicant Support Program.	The Working Group recommends that as was the case in the 2012 round, fee reduction must be available for select applicants who meet evaluation criteria through the Applicant Support Program...The Working Group believes that the high level goals and eligibility requirements for the Applicant Support Program remain appropriate. The Working Group notes, however, that the Applicant Support Program was not limited to least developed countries in the 2012 round and believes that the Program should continue to be open to applicants regardless of their location as long as they meet other program criteria.	<p>This also relates to Output 15.3 (Application Fees): “Application fees may differ for applicants that qualify for applicant support.”</p> <p>Continuing/expanding the Applicant Support Program goes hand-in-hand with ICANN's commitment to making IDN/UA the focus of the next round. Global engagement cannot be achieved without providing additional opportunities for assistance (both financial and non-financial) to those who need it. It is important that ICANN develops the criteria/framework for the Applicant Support Program prior to opening of the application round so that eligibility and evaluation criteria can be detailed in the Applicant Guidebook, as was the case with other evaluation panels/procedures in the previous round.</p>

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P-186	<p>ICANN will restrict Applicant Support applicants that prevail in an Auction of Last Resort from assigning the TLD for a period of at least three years. ICANN will require that any Applicant Support applicant conducting an assignment of the TLD three to seven years past the signing of the Registry Agreement to repay the full amount of the support received (financial and non-financial). ICANN will define specific cases when assignments will be allowed f. Restricting assignments will, however, not restrict "change of control," in which case, an applicant supporting a TLD may be acquired by another entity.</p>	<p>If the applicant receiving Applicant Support prevails in an auction, there should be restrictions placed on the applicant either from assigning the Registry Agreement, and/or from any Change of Control for a period of no less than three (3) years. This restriction seeks to prevent gaming of the Applicant Support Program, whereby an applicant transfers its ownership of a registry to a third party in exchange for any form of financial gain. However, assignments that become necessary for the following reasons shall be permitted:</p> <ul style="list-style-type: none"> ● Assignments due to the TLD being unable to meet its financial obligations and unable to secure financing or restructure operations to carry out operations in the short-term. ● Assignments due to death or retirement of a majority shareholder. ● Assignments due to EBERO. ● Assignments to affiliates or subsidiaries. ● Assignments required by competition authorities. <p>All assignments after such time shall be governed under the then-current Registry Agreement standard provisions, provided that any Assignment or Change of Control after the third (3rd) year, but prior to the seventh (7th) year, shall require the applicant to repay the full amount of financial support received through the Program, including application fees and any bid credit, multiplier, or related benefits, plus an additional ten percent (10%).</p>	<p>Limits on assignments for Applicant Support applicants that prevail in Auctions of Last Resort are important to prevent gaming.</p>

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P-459	The Applicant Support Program will evaluate and notify applicants seeking support the results of their evaluation at least six months prior to the opening of the new gTLD application window.		Recognizing several objectives of the Applicant Support Program referenced in the Final Report (and specifically IG 17.4)--providing more notice to potential applicants, allowing for the pursuit of a normal path if the application fails, limits disruption to the overall program in an even more effective manner– ICANN org suggests initiating the Applicant Support Program in advance of the application window for a new gTLD. This also takes into account that ICANN org will need time to plan and manage the funding plan according to the number of requests for support and that entities applying for support need time to plan and make decisions about whether to proceed with their new gTLD application, depending on whether they qualify for support and what levels/types of support. Note that this assumption on timeline aligns with the RSP Pre-Evaluation process, which will also launch 18 months prior to the gTLD application window opening. Also recognizing that initiating the Applicant Support Program this far in advance may unintentionally disadvantage potential applicants that do not learn about the new gTLD program 18 months in advance of the next round opening, it may be worth considering how to mitigate this risk, i.e., keeping the Applicant Support Program open until [X] months before and/or during the new gTLD application window.

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P-460	<p>The most flexible option for providing fee reductions will be to use a percentage of reduction that will be applied across the entire fee structure. That is, an applicant that qualifies for Applicant Support will receive a specified percentage of fee reduction for all relevant processes and evaluations the applicant may participate in.</p>		<p>Within the lifecycle of an application, there are a number of points at which fees may be charged, depending on the type of application. For example, a Community Application becomes eligible for CPE and is assessed a separate fee. The largest fee will be the base application fee, which all applications will be required to pay, but providing discounts throughout the lifecycle of the application also ensures that applicants of limited financial means will not be surprised with large fees if the application needs to be updated or evaluated for specific elements. Therefore, providing a percentage discount for certain aspects will be helpful in terms of predictability and moderating the costs throughout the process.</p>

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P-445	Financial assistance criteria will be updated to be inclusive of applicants with demonstrable financial need, regardless of geographic location or economic development status.	Outreach efforts should not only target the Global South, but also those located in struggling regions that are further along in their development. In addition, the evaluation criteria for Applicant Support must be similar to those currently set forth in Criteria #1, Section 4 (Operation in a developing economy) of the Financial Assistance Handbook.	Global engagement includes those in many regions within and outside of the Global South, and the Applicant Support Program should take that into account in both its outreach plans and evaluation criteria. While it would be difficult to define “struggling regions” and at what scales (e.g., from a poor neighborhood in an affluent city in an advanced economy?), it is less challenging to define and obtain evidence for an applicant's financial need, regardless of their location.

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P-447	As ICANN is not a grant-seeking organization, ICANN will, through the Pro Bono Assistance Program, act as a facilitator in the introduction of industry players or potential funding partners to the prospective entrants.	ICANN org should seek funding partners to help financially support the Applicant Support Program, as appropriate.	The ICANN Board noted in its comment on the Draft Final Report that this Implementation Guidance would change the role of ICANN, as ICANN is not a grant-seeking organization. Alternatively, ICANN should act as a facilitator in the introduction of industry players or potential funding partners to the prospective entrants.
P-478	ICANN org will estimate the type and number of pro bono service work hours needed per applicant or a unit of applicants.	Rec 17.1: "...In addition, the Working Group recommends that ICANN facilitate non-financial assistance including the provision of pro-bono assistance to applicants in need. Further, ICANN must conduct outreach and awareness raising activities during the Communications Period to both potential applicants and prospective pro-bono service providers..."	Estimating the types of pro bono services and the number of work hours needed will help inform potential pro bono service providers about the level of effort needed to support the target number of supported applicants. The target number of supported applicants is part of success measures that the GNSO Guidance Process is exploring.

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P-477	The Applicant Support Program will open to receive applications for support 18 months prior to the application window for New gTLDs.	Recommendation 17.3: The Working Group recommends that ICANN improve outreach, awareness-raising, application evaluation, and program evaluation elements of the Applicant Support Program, as well as usability of the Program, as proposed in the implementation guidance below.	ICANN org proposes this advanced opening for several reasons: 1) it allows time for ICANN org to identify how many applicants are requesting support 2) it provides ICANN org time to wrap-up its funding plan (e.g., high demand for Applicant Support may inform further budget allocations and/or additional pro bono assistance); 3) it prevents applicants from paying a gTLD application fee before they know whether they qualify for support; and 4) it will provide applicants time to seek alternative support from other potential funders if they do not qualify for the Applicant Support Program

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P-479	The Support Applicant Review Panel will be an independently contracted third party that conducts the review and evaluation of applications for support.	Rec 17.11: The Working Group supports Recommendation 6.1.a in the Program Implementation Review Report, which states: "Consider leveraging the same procedural practices used for other panels, including the publication of process documents and documentation of rationale."	The emphasis on financial need and financial capability over geographic location in eligibility criteria present unique challenges to utilizing an ICANN community-based evaluation panel. ICANN org expects that some of the application materials provided to the ASP may contain sensitive or confidential information. This could present conflicts of interest with community members reviewing those materials well in advance of the gTLD application round opening. Further, a community-led panel may not possess the specialized financial expertise necessary to conduct the financial capability and needs assessments to adequately evaluate applications for support.