Public Comment Summary Report

Review of the Draft Applicant Support Program (ASP) Handbook – New gTLD Program

Open for Submissions Date:
Monday, 12 February 2024

Closed for Submissions Date:
Tuesday, 02 April 2024

Summary Report Due Date:
Monday, 15 April 2024

Category: Policy

Requester: ICANN org

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Open Proceeding Link: https://www.icann.org/en/public-comment/proceeding/review-of-the-draft-applicant-support-program-asp-handbook-new-gtld-program-12-02-2024

Outcome:

ICANN org received a total of nine (9) Public Comment submissions on the draft Applicant Support Program (ASP) Handbook from groups, organizations, and individuals. ICANN org is now conducting a thorough review of the submissions received and considering what changes may be needed to the Handbook to reflect the community's input.

Section 1: What We Received Input On

For each section of the draft Applicant Support Program (ASP) Handbook, ICANN org asked commenters to indicate whether the section in question accurately reflects the policy recommendations on Topic 17, Applicant Support, based on the recommendations of the Generic Names Supporting Organization's (GNSO) Final Report on the new gTLD Subsequent Procedures Policy Development Process and the GNSO Guidance Process (GGP) for Applicant Support Guidance Recommendation Final Report. Commenters were asked to answer "yes" or "no" to each of the questions in the guided submission form. Commenters could also add a rationale or explanation, including proposed changes to the language in the ASP Handbook.

Section 2: Submissions

Organizations and Groups:

Name	Submitted by	Initials
At-Large Advisory Committee		ALAC
Business Constituency		BC
Fédération Méditerranéenne des Associations d'Internet	Mohamed Tijani BEN JEMAA	FMAD

Individuals:

Name	Affiliation (if provided)	Initials
Faheem Soomro		
James Kunle Olorundare	UASG; NPOC; NCSG	
Lawrence OlaWale-Roberts	Business Constituency	
Phyo Thiri Lwin	NetMission.Asia	

Section 2a: Late Submissions

At its discretion, ICANN org accepted late submissions from community groups that requested additional time. These comments have been appended to this summary report.

Organizations and Groups:

Name	Submitted by	Initials
Governmental Advisory Committee		GAC
Non-Commercial Stakeholders Group		NCSG

Section 3: Summary of Submissions

To facilitate its review of the Public Comment submissions, the staff support team developed a Public Comment review tool, which provides a high-level assessment of the views expressed on the Draft ASP Handbook as well as the detailed submissions provided by each contributor. All contributions received and the Public Comment review tool can be reviewed here.

Section 4: Analysis of Submissions

ICANN org and the SubPro ASP Implementation Review Team (IRT) Sub-Track are responsible for the review and analysis of submissions. That team will be reviewing all submissions via the Public Comment Review Tool and further deliberations during meetings. Please note at the time of publication of this report, review of the submissions was in the very early stages.

For the avoidance of doubt, ICANN org and the ASP IRT Sub-Track will carefully consider all submissions on the Draft ASP Handbook in the course of the Public Comment review. As such, content in the Public Comment review tool can be expected to be updated to include analysis of the Public Comments received over time.

Section 5: Next Steps

Following the analysis of the Public Comments received on the Draft ASP Handbook, ICANN org and the IRT will consider whether any changes need to be made to the Handbook.

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Distribution	Public
Date (target)	5 April 2024

Governmental Advisory Committee Comment on Review of the Draft Applicant Support Program (ASP) Handbook – New gTLD Program

The Governmental Advisory Committee (GAC) appreciates the opportunity to comment on the Draft Applicant Support Program (ASP) Handbook. The input below is structured to answer the questions included in the public comment proceeding:

1. Do you believe that Section 1 ("Introduction") of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

Yes, but with the following suggested clarification(s).

Please provide the suggested language change or an explanation of any inconsistencies, and provide alternative language where possible.

The GAC welcomes the Working Group's affirmation that "the primary Purposes of new gTLDs are to foster diversity, encourage competition, and enhance the utility of the DNS". Recalling the rationale for the Applicant Support Program (ASP) to be conceptualized to support a 'remedial' round which emanated from members of the ICANN community[1], the GAC would

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[1]

The Need for a Remedial gTLD program for new gTLDs (29 January 2014); See Report on Workshop #122: New gTLDs: Implications and Potential for Community Engagement, advocacy and Development, p.247 of Internet Governance for Sustainable Human, Economic and Social Development (29 October 2012)

New gTLD Program Reviews Session, ICANN53 Buenos Aires (22 June 2015)

SO/AC Led High Interest Topic Session, ICANN51 Los Angeles (13 October 2014)

support the addition of the term 'global geographic' ahead of diversity. In that regard, the GAC recalls its previous advice in the ICANN77 and ICANN79 Communiques and issues of importance text in the ICANN78 Communique which seeks to ensure that underserved regions, as defined by the GAC Underserved Regions Working Group, are a focus of the ASP.

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

Yes, but with the following suggested clarification(s).

Please provide the suggested language change or an explanation of any inconsistencies, and provide alternative language where possible.

The GAC welcomes the opening of the overview section of the draft ASP Handbook, emphasizing that "the Internet is a **global** resource". The GAC strongly supports a focus on delivering an ASP that delivers global diversity to the new gTLD program. The GAC also welcomes the holistic focus on 'supports available to qualified ASP applicants' as it is essential that applicant support reaches beyond fee reductions to an ASP training program, access to pro bono services and other non-financial means of support. The GAC also strongly supports reduced or waived base Registry Operator fees, should the supported applicant prevail in the gTLD program evaluation and proceed to contracting and delegation. In that regard, the GAC recalls its ICANN77 and ICANN79 Communique Advice to consider substantially reducing or eliminating ongoing ICANN registry fees for successful applicants for at least five years.

The GAC recommends that fees are eliminated across the board, including both application and evaluation fees. The GAC advocates for the SubPro IRT ASP sub-track working group and ICANN Org to review the potential for eliminating an application fee, rather than a fee reduction. If this is not possible, the GAC strongly recommends an 85% application fee reduction or higher, to further encourage and support groups from underserved regions to apply through the program.

GNSO New gTLDs Subsequent Rounds Discussion Group (2 March 2015)

ICANN Public Forum, ICANN52 Singapore (12 March 2015)

LAC Strategy Steering Committee Workshop, Montevideo (15-16 September 2015)

Interview with Avri Doria on the History of New gTLDs (6 March 2013)

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

Yes, but with the following suggested clarification(s).

Please provide the suggested language change or an explanation of any inconsistencies, and provide alternative language where possible.
The GAC welcomes the aim to have a 12 month application submission period for the ASP, which will allow applicants to have time to complete their applications and draw on assistance in doing so, for example through pro bono services. Outreach and promotion of the ASP (through an ASP communications and outreach strategy) well ahead of the submission period will be essential to ensuring applicants are fully informed of the benefits of applying and can assess the potential to do so in advance of the opening of the submission period. The GAC also recommends consideration be given to eliminating the application deposit, in line with a commitment to eliminate fees for applicants across the board.

The GAC emphasizes that ICANN org should make every effort to ensure Applicants know whether they have qualified for support in advance of the gTLD application submission Period. In that regard, the GAC recommends that the word 'may' be revised to 'should' in the following sentence: "In the case that an ASP applicant waiting for ASP evaluation results submits a gTLD application and pays the base gTLD application fee, the ASP applicant ~~may~~ **should** be eligible for a refund should the applicant qualify for support".

4. 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?

Yes, but with the following suggested clarification(s).

Please provide the suggested language change or an explanation of any inconsistencies, and provide alternative language where possible.

The GAC reiterates its above comment that the SubPro IRT ASP sub-track working group and ICANN org review the potential for eliminating an application fee, rather than a fee reduction.

The GAC also reiterates that the potential to eliminate evaluation fees should also be reviewed. If this is not possible, the GAC strongly recommends an 85% application fee reduction or higher, to further encourage and support groups from underserved regions to apply through the program. The GAC also strongly supports a bid credit/multiplier for successful ASP applications.

5. Do you believe that Section 5 ("Applicant Eligibility and Evaluation Criteria") of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

Yes, but with the following suggested clarification(s).

Please provide the suggested language change or an explanation of any inconsistencies, and provide alternative language where possible.

The GAC strongly recommends that section 5 of the ASP Handbook open with a statement to focus on the intent to highlight the program's global focus. Existing language could be supplemented to include the following: "The ASP is designed to provide financial and non-financial support to qualified candidates, as defined in the criteria and indicators below. **ICANN's mission is to help ensure a stable, secure, and unified global Internet and as such strongly encourages and welcomes applications from across the globe".**

The GAC recognises the difficulty in striking a balance between flexibility (making the program accessible and encouraging applicants to apply) and managing risk (ensuring that the ASP is not at risk of gaming). The GAC strongly recommends that focusing the ASP on global underserved regions (as defined by the GAC Underserved Regions Working Group) will prevent such gaming while keeping the ASP open and flexible. This can be achieved by including text at the opening of the section that "the ASP is intended to diversify the new gTLD application program in pursuit of ICANN's global mission and therefore organizations from across the world are encouraged to apply, noting that applications from entities in territories with a well developed DNS industry are not appropriate for the purpose of the ASP".

6. Do you believe that Section 6 ("Applicant Support Program Application Process") of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?

Yes, but with the following suggested clarification(s).

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Please provide the suggested language change or an explanation of any inconsistencies, and provide alternative language where possible.

The GAC welcomes the overview of the process provided in the draft ASP handbook, and stresses the importance of providing flexibility to applicants who seek to make changes to their application through the process. For example, by using a flexible range for updating ICANN Org 'in a timely manner' of any material changes to information previously submitted on their application. The GAC also highlights that complementary actions will need to be taken to ensure that the ASP handbook can be fully utilized, including, but not limited to, providing the handbook in a variety of languages.

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

Yes, but with the following suggested clarification(s).

Please provide the suggested language change or an explanation of any inconsistencies, and provide alternative language where possible.

The GAC believes that a globally representative SARP (Support Application Review Panel) will be crucial to delivering a successful ASP. Section 7 states that the third-party vendor responsible for convening SARPs "should also have the capability to formulate SARPs that are diverse in terms of geography, language, race/ethnicity, and gender". This is essential, and the GAC suggests the SubPro IRT ASP sub-track working group recommend a minimum requirement in regards to geography – specifically, a minimum of one evaluator from each of ICANN's globally recognized regions[2] – as well as establishing minimums for language, race/ethnicity and gender thresholds on the SARPs.

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[2] https://www.icann.org/resources/pages/gse-2012-02-25-en

Other Comments

The GAC stated in its ICANN79 Advice that ICANN should consider expanding the financial support available for the ASP. The GAC strongly recommends that a 50% application fee reduction is not considered to be a minimum, only going up to 85% in the event that "support funds remain available", but rather that significant efforts are made to provide further financial support should there be a number of successful applicants that exceed the financial package pre-determined by ICANN.

The GAC also recommends that no 'pause' in accepting applications is introduced during the ASP application submission period. This would be unfair to applicants preparing their applications to submit within the advertised period and as such, may distort the outcomes of the program. For example, the GAC notes that applicants who will require translation services to make their application are likely to be negatively affected in such an instance as their application process will require time for this extra step.

Summary of Submission

The GAC is grateful to the SubPro IRT ASP sub-track working group for the considerable time and effort members have contributed to developing and reviewing the draft ASP Handbook. It is the GAC's view that the handbook could be further strengthened by including more prominent references to the ASP as a global program, intended to focus on underserved regions in a global context. The GAC also appreciates working group members' thoughtful proposals on financing the program through fee reductions, and recommends that ICANN org strongly consider eliminating application fees for all successful applicants through the ASP.

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Review of the Draft Applicant Support Program (ASP) Handbook – New gTLD Program:

NCSG Comments

April 2nd, 2024

About NCSG

NCSG represents the interests of non-commercial domain name registrants and end-users in formulating the Domain Name System policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organizational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, etc, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999, we have facilitated global academic and civil society engagement in support of ICANN's mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues.

About this Public Comment Proceeding

https://www.icann.org/en/announcements/details/icann-seeks-input-on-next-round-draft-applicant-support-program-handbook-12-02-2024-en

The Applicant Support Program (ASP) is an initiative developed as part of ICANN's New Generic Top-Level Domain (gTLD) Program. The program is intended to provide financial and non-financial support for eligible entities that demonstrate financial need and work in the public interest.

The ASP Handbook offers a step-by-step guide to applying for support and includes information on application deadlines, criteria, processes, and evaluation. The handbook is part of ICANN's effort to implement the policy recommendations on Topic 17: Applicant Support of the Final Report on the New gTLD Subsequent Procedures Policy

[Development Process](#) while taking into account the Board's pending consideration of guidance provided by the [GNSO Guidance Process (GGP) for Applicant Support](#).

Before this Public Comment proceeding, ICANN org worked with the Subsequent Procedures (SubPro) ASP Implementation Review Team Sub-Track to refine the draft ASP Handbook in line with Applicant Support policy recommendations and pending GGP ASP guidance. This Public Comment period is an opportunity for the broader ICANN community to contribute to strengthening and refining the draft ASP Handbook in line with policy outputs.

I.   Summary of Submission

The NCSG suggests that the current draft of the ASP Handbook, while comprehensive, could benefit significantly from simplification and enhanced accessibility to ensure it reaches and is understood by a broad audience. The handbook currently utilizes language and terminology that might be too complex for applicants not already versed in ICANN's specific language or the technical jargon of the domain name system. **To rectify this, we recommend the handbook adopt a more straightforward approach, using plain language to explain complex concepts and define technical terms, ensuring that all potential applicants, irrespective of their background or expertise, can easily comprehend the application process.** If it is argued that the language used is necessary for technical reasons, to avoid ambiguity, it is also possible to produce a further simplified document, published alongside the handbook, in more accessible terms.

Additionally, **a step-by-step guide** outlining the application stages, necessary documentation, and crucial deadlines would streamline the process for applicants, guiding them more effectively through their application journey. Incorporating tools such as checklists for required documents and timelines for application milestones could further demystify the process, providing applicants with clear expectations at each step.

To aid in understanding and transparency, it's vital to include **detailed information** about the availability of funds, how they are allocated, and any restrictions or requirements tied to receiving support. **An FAQ section** addressing common questions, alongside examples or case studies, would illuminate the practical application of these guidelines and help applicants visualize how they might navigate the process.

A primary concern identified is the handbook's accessibility for non-English speakers (*bearing in mind that 81% of the world's population does not speak English*). Given the

global nature of ICANN's work and the diversity of its stakeholders, the current English-only draft may inadvertently exclude a significant portion of the global community. **To ensure inclusivity, we urge the addition of translation support for the handbook into multiple UN languages, such as French, Spanish, Arabic, Chinese, and Russian, and suggest the provision of assistance for application submissions in these languages.**

Furthermore, **hosting webinars, outreaches, or training sessions in various languages** would facilitate a deeper understanding of the handbook's contents and foster a more inclusive and engaged global community, ensuring that all potential applicants have the resources and support needed to participate fully in the ASP process.

We provide additional details of our concerns and suggestions below.

II. Difficulty of the Handbook:

We have run sections of the Next Round Applicant Support Handbook through Readability Scoring Systems and found its text to be on par with the New York Times, namely, "Extremely Difficult."[1] That does not help the audience we hope will use the Handbook, and it does not bode well for the success of our future Applicant Support Program program.

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[1] See e.g., page 9, Applicant Support Program Timeline, "Entities seeking support through the ASP will have an opportunity to submit an application [from Q4 2024 to Q4 2025]. ASP applications will be evaluated on an ongoing basis. Applicants should expect to receive results of their evaluation within [12-16 weeks] of submitting a complete application. This estimate of the time frame for evaluation assumes a complete application is submitted and no additional information from the applicant is required to evaluate the application. Additional, unplanned interactions with the applicant will extend this timeframe estimate. Also, please note that evaluating applicant documentation in languages other than English may take longer. 4

"Once ASP applicants receive evaluation results, applicants that qualify for support will be required to submit a [$2500 USD] deposit on their gTLD application. The deposit needs to be submitted to ICANN within 90 days of receiving ASP evaluation results in order to confirm the applicant's ability to receive the gTLD application and evaluation fee reductions. Also see Section 7.4 Evaluation Results.

"The ASP application submission period is [12 months]. The deadline for submitting ASP applications is [6 months] prior to the start of the New gTLD Program application submission period. Though, ICANN org retains the option to extend the ASP application submission period and will communicate the extension accordingly so that applicants and potential applicants are aware. The intent is for all ASP applicants seeking support to receive evaluation results before applying to the New gTLD Program. Though, depending on the volume of ASP applications received in the final weeks of the ASP application submission period, applicants may not know whether they have qualified for support in advance of the gTLD application submission period." ***Ranked as "Very Difficult" by Readability Formulas, see e.g.,***
 https://readabilityformulas.com/readability-scoring-system.php

While ICANN Org and the ICANN Community will spend exceptional effort, energy, and funding to "market" the New gTLD program - as we seek to expand those applying for the Applicant Support Program - this New Round Applicant Handbook will be the next document our potential ASP applicants encounter, and NCSG predicts that they will turn away.

For this Handbook is virtually impossible for anyone to understand who is:
- Not an American lawyer
- Not a native English speaker
- Not very familiar with ICANN's processes already, and
- Not knowledgeable about the New gTLD process.

What the Handbook stated in long and complicated sentences could be restated in 2 or 3 clearer and more straightforward sentences. The requirements it lists in long and complicated text could be more clearly listed in bullets.

We provide an example from the Handbook at the top of page 10:

⇒ **Current:** "[ICANN org and the evaluators (SARP) will make every effort to complete ASP application evaluations in advance of the gTLD application submission period beginning so that ASP applicants receive ASP evaluation results in advance of their gTLD application submission. In the case that an ASP applicant waiting for ASP evaluation results submits a gTLD application and pays the base gTLD application fee, the ASP applicant may be eligible for a refund should the applicant qualify for support.]

 ⇒ **Questions:** What is a SARP and how can we make this language clearer and more accessible?

⇒**Revised text:** [We will work hard to review your Application Support Program application quickly. But if the New gTLD program opens and you have not received an answer, you may pay the estimated $240,000 fee and apply for a New gTLD on your own. If you qualify for the Applicant Support Program later, you may receive a partial refund of your New gTLD application fee.]

We urge ICANN Org and the ICANN Board to consider this document as an important next step in the marketing and outreach of the Applicant Support Program. To that end, let's make this document clear, understandable, easily readable and accessible to the indigenous peoples, Global South commercial and noncommercial entities, associations, INGOs and NGOS, and others we hope will come forward.

We, as the NCSG and ICANN Community, want these groups to seek the support and guidance of the Applicant Support Program for their New gTLD Applications. We have worked very hard to provide in SubPro, the GNSO Council, the GAC, the Community and the ICANN Board to seek and provide successful ASP applicants with both financial support and expertise and guidance in preparing their New gTLD applications.

Let's not turn them away with a Handbook that is inaccessible. We urge ICANN Staff to rewrite this Handbook and help it become as accessible as our marketing program for New gTLDs.

III. Questions

1. **Do you believe that Section 1 ("Introduction") of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?**

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

   In the section titled "Financial and Non-Financial Support Clarity" (specifically on pages 6 and 7), the handbook provides information about different types of support. However, there is still uncertainty regarding the eligibility criteria and the process for accessing specific forms of support, such as bid credits, multipliers, and reduced Registry Operator fees. This lack of clarity could potentially put non-profit organizations at a disadvantage when planning their applications. To address this, it is essential to clearly **define all forms of support and establish transparent criteria early in the process**, facilitating better planning and preparation for applicants.

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

4. **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?**

5. **Do you believe that Section 5 ("Applicant Eligibility and Evaluation Criteria") of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?**

   It does to some extent, however there are some observed insufficiencies.

   First is with regards to the **eligibility criteria for non-profits and social impact organizations (Sections 5.5.1, 5.5.4, Pages 19-23):** While the criteria for eligible entities are thorough, the insistence on extensive documentation and the

need to prove direct social impact or public benefit may pose difficulties for smaller non-profits or newly formed social enterprises, especially those with limited resources. Meeting the documentation and proof requirements could be challenging for such organizations. To address this, the NCSG suggests introducing more flexibility in the documentation requirements and considering alternative ways of demonstrating impact and benefit that are easier for recently established indigenous groups and smaller entities, particularly those from the Global South.

While the handbook proposes "*If the applicant cannot demonstrate (via its submitted audited and current financial statements) its ability to pay the remaining gTLD application evaluation fees without causing financial hardship, the applicant must submit a funding plan for acquiring resources within the indicated timeframe to pay the remaining gTLD application evaluation fees.*", however, it is not indicated to what extent providing a funding plan would affect the applicant's chances in comparison with those who are able to provide audited account statements.

The necessity for legal compliance checks and background screenings is vital in upholding the credibility of applicants. Yet, the thoroughness of these procedures may unintentionally exclude organizations from countries where obtaining legal documents is challenging due to intricate regulatory systems. (*Drawing on years of experience in the nonprofit sector across Africa, It is observable that the standard criteria set by international organizations often sideline businesses and organizations in the Global South when verifying documents. It's imperative for ICANN to collaborate with local agencies that can authenticate documentation while respecting the regional context and intricacies. For instance, Google employs **TechSoup** in Africa to validate documents for non-profit beneficiaries. A similar approach by ICANN, embracing alternative verification methods which is local and recognizable in the country of the applicant, would be beneficial*). Strict adherence to these criteria without consideration for local contexts might exclude worthy applicants from challenging environments.

The NCSG recommends **a consideration clause for entities facing systemic barriers** in obtaining the required legal compliance documentation, allowing for contextual evaluations through local/regional third parties.

6. **Do you believe that Section 6 ("Applicant Support Program Application Process") of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?**

The extent and nature of permissible modifications and their respective deadlines have not been clearly outlined in Section 6 ("Applicant Support Program Application Process") of the ASP Handbook. It is essential to clarify what changes are allowed and the process for implementing them, including specific timelines. This clarity is vital for maintaining transparency, fairness, and consistency throughout the application process.

7. **Do you believe that Section 7 ("ASP Application Evaluation") of the ASP Handbook accurately reflects the relevant policy recommendations on Applicant Support?**

   <u>Clarifying questions and communication timelines (Section 7.3, Page 32):</u> The process for clarification of questions allows for interaction between applicants and the Support Applicant Review Panels. However, the timeline for responses and the potential for additional questions could extend the evaluation period. Non-commercial stakeholders (applicants) with limited resources may find it challenging to respond promptly, especially if clarifications require additional documentation or specialized input.

   The NCSG recommends establishing clear guidelines for the clarifying questions process, including a fixed timeline for responses and a limitation on the number of follow-up questions. Provide examples of common queries to help applicants prepare in advance.