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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 community¹, the GAC would

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[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 Communiqués and issues of importance text in the ICANN78 Communiqué 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 Communiqué 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).

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 regions² – as well as establishing minimums for language, race/ethnicity and gender thresholds on the SARPs.

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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