

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.

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?

Clarifying questions and communication timelines (Section 7.3, Page 32):

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.

In conclusion, the NCSG expresses its sincere gratitude for the chance to provide feedback and guidance on important ICANN policy matters as such. We therefore extend our thanks to the ICANN Staff for their diligent consideration of our remarks and look forward to our concerns being addressed.