
Public Comment Summary Report

GNSO Guidance Process Applicant Support Guidance Recommendation Initial Report

Open for Submissions Date:
Monday, 31 July 2023

Closed for Submissions Date:
Monday, 11 September 2023

Summary Report Due Date:
Monday, 25 September 2023

Category: Policy

Requester: Generic Names Supporting Organization (GNSO)

ICANN org Contact(s): julie.hedlund@icann.org

Open Proceeding Link: <https://www.icann.org/en/public-comment/proceeding/gns-guidance-process-applicant-support-guidance-recommendation-initial-report-31-07-2023>

Outcome:

The GGP Team received a total of 10 submissions from groups, organizations, and individuals. The GGP Team is now beginning a thorough review of the Public Comment submissions received on this Guidance Recommendation Initial Report and will consider whether any changes need to be made to its preliminary recommendations.

Section 1: What We Received Input On

The GGP Team sought input on its nine (9) preliminary Guidance Recommendations. There are six (6) Guidance Recommendations pertaining to Tasks 3, 4, and 5 of the GGP relating to the identification and prioritization of metrics for the Applicant Support Program, including indicators of success, and three (3) Guidance Recommendations pertaining to Task 6 relating to financing the program when qualified applicants exceed allocated funds.

The Public Comment proceeding was presented as a series of structured questions and provided an opportunity for respondents to provide general submissions. The GGP Team

requested that responses to the questions include detailed rationale to support further analysis of the relevant issues.

Section 2: Submissions

| Organizations and Groups: | | |
|---|---------------------|-----------------|
| Name | Submitted by | Initials |
| Com Laude | Sophie Hey | CL |
| ICANN org | Leon Grundmann | |
| Registries Stakeholder Group (RySG) | | RySG |
| Business Constituency (BC) | | BC |
| Noncommercial Users Constituency (NCUC) | Benjamin Akinmoyeje | NCUC |
| At-Large Advisory Committee (ALAC) | | ALAC |

| Individuals: | | |
|---------------------|----------------------------------|-----------------|
| Name | Affiliation (if provided) | Initials |
| Gabriel Karsan | | GK |
| Juliana Harsianti | | JH |

Section 2a: Late Submissions

At its discretion, ICANN org accepted two late submissions, which have been appended to this summary report.

Organizations and Groups:

| Name | Submitted by | Initials |
|---------------------------------------|------------------------|-----------------|
| Noncommercial Stakeholders Group | Pedro de Perdigão Lana | NCSG |
| Governmental Advisory Committee (GAC) | Rob Hoggarth | GAC |

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 preliminary recommendations as well as the detailed submissions provided by each contributor. All contributions received and Public Comment review tool can be reviewed [here](#).

Section 4: Analysis of Submissions

The GGP Team is responsible for the review and analysis of submissions and 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 by the GGP Team was in the very early stages.

For the avoidance of doubt, the GGP Team will carefully consider all submissions on all recommendations in the course of its Public Comment review. As such, content in the Public Comment review tool can be expected to be updated over time.

Section 5: Next Steps

Following its analysis of the Public Comments received on this Initial Report, the GGP Team will consider whether any changes need to be made to the preliminary guidance recommendations. Once the GGP Team has considered all the Public Comments, it will conduct a formal consensus call on all of the proposed final guidance recommendations before their inclusion in the Guidance Recommendation Final Report.

GNSO Guidance Process for Applicant Support Guidance Recommendation Initial Report: NCSG Comments

September 11th, 2023

About NCSG

NCSG represents the interests of non-commercial domain name registrants and end-users in the formulation of 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, 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/public-comment/proceeding/gns0-guidance-process-applicant-support-guidance-recommendation-initial-report-31-07-2023>

Overall comment about the GNSO Guidance Process (GGP) and the Working Group (WG)

The NCSG is glad to notice that the Working Group is being careful about really taking into consideration how to effectively achieve more diversity among applicants and is not focusing only in financial help, but also education and orientations on how to elaborate solid applications. We would like to congratulate the good work done and the notable efforts in reaching at least rough consensus, which is reflected on the lack of major disagreements in the lines that will follow in this commentary, and even among the participants of the WG.

Questions:

Section 1: Information about Submission

Please provide your name: Pedro de Perdigão Lana

Please provide your email address: pedrodeperdigaolana@gmail.com

Are you providing input on behalf of a group (e.g., ICANN community group, organization, company, government)? [single select, required]

- Yes

If yes, please explain [open ended response, optional]: NCSG

Section 2: Preliminary Guidance Recommendations Relating to Tasks 3, 4, and 5

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. *Please refer to page 11 of the Initial Report.*

Please indicate your response to Guidance Recommendation 1: [single select, optional]

- Support Recommendation as written

Are there any comments or issues you would like to raise pertaining to the Rationale for Guidance Recommendation 1? If yes, please provide your comments here.

Although the recommendation adequately highlights the purpose of the Applicant Support Program (ASP) and who should be its main focus, it is important to notice that the “under-served” concept is not as easily understandable to those who are not highly familiar with ICANN (or ITU) discussions, and searching for this term in ICANN related pages does not provide a clear and precise definition. Considering the scope of this concept was a central part of what was debated in this GGP, an explanatory footnote (which could at least provide a link to more details) would be useful for those who are the target audience of this recommendation.

The “Deliberations” section in Recommendation 3 mentions that “Working group members agreed that the guidance recommendation does not need to specify when surveys would happen because there would be inflection points throughout the process including when an applicant submits an application”. Even if the appropriate timing of surveys (after or before a round, or both) is not defined within the GGP, it may be relevant to better discuss this issue considering the probability that those who do not understand the information provided will also not participate in indicators that require active responses.

It seems important to understand at least some rough indicators about the effectiveness of this first contact, so measuring click-throughs in these initial messages (checking on how many participants do not follow through) may deliver some relevant data to identify possible interviewees. With this initial data, trying to interview applicants who abandoned the procedure early on, in a more qualitative collection of information, could provide fruitful information to improve awareness initiatives. We do recognize however, that this may be a difficult task, and would like to recommend the WG to develop a bit more the excellent work already done to find alternatives to get good metrics on this aspect of awareness effectiveness, if possible.

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
Please refer to page 14 of the Initial Report.

Please indicate your response to Guidance Recommendation 2: [single select, optional]

- Support Recommendation as written

If you support the intent of Guidance Recommendation 5 but think it requires a wording change, please provide your revised wording and reason here.

The last phrase of this recommendation (“and that supported applicants report that they found the information and services offered by pro bono providers to be useful”) seems to be more of an indicator than part of the recommendation per se. Explaining why the working group seems to have included an indicator as part of a recommendation, or else making the wording clearer to show that it is not an indicator, can be useful to give more clarity to the text.

As an Indicator of Success that is also related to Recommendation 1, it is important to encompass not only the degree of satisfaction among those who used these pro bono services, but also how many potential applicants learned that these tools were available. Including a question specifically about pro bono services in the surveys (presumably sent to all participants) mentioned in the metrics of Recommendation 1 may be useful for this purpose.

Guidance Recommendation 3:

Please refer to page 16 of the Initial Report.

Please indicate your response to Guidance Recommendation 3: [single select, optional]

- Support Recommendation as written

Guidance Recommendation 4:

Please refer to page 17 of the Initial Report.

Please indicate your response to Guidance Recommendation 4: [single select, optional]

- Support Recommendation as written

Guidance Recommendation 5:

Please refer to pages 18–19 of the Initial Report.

Please indicate your response to Guidance Recommendation 5: [single select, optional]

- Support Recommendation as written

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.

Please refer to page 20 of the Initial Report.

Please indicate your response to Guidance Recommendation 6: [single select, optional]

- Support Recommendation as written

Are there any comments or issues you would like to raise pertaining to the Rationale for Guidance Recommendation 6? If yes, please provide your comments here.

There is an important discussion raised by ICANN org in the last paragraph of the "Deliberations" section, with a suggestion for action by the Working Group that apparently didn't get any further development in the document. In the next version, if this is considered within the scope of the WP, a response to the consideration made about separating "the elements that indicate success from this bonus data that should be collected in serving applicants that may not have been successful after three years", since understanding the long term effects of the ASP seems to be a central part of the overall objective.

Section 3: Preliminary Guidance Recommendations Relating to Task 6

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

Please refer to page 23 of the Initial Report.

Please indicate your response to Guidance Recommendation 7: [single select, optional]

- Significant change required: changing intent and wording

If you support the intent of Guidance Recommendation 7 but think it requires a wording change, please provide your revised wording and reason here. [open ended response,

Even though the choice made here is fully understandable and it would be a difficult task to define what group of organizations should be prioritized over the others, it seems to be within the WP scope to delve into these complex issues.

There is no need to detail an order of preference, but defining rough groups who should be relatively prioritized over others, in case there is some conflict, may be useful for optimizing the intent of the ASP. For example, as a previous part of the Report indicates, in a limited resource scenario, receiving partial support would be less impactful (as a rule, recognizing that there are exceptions) for commercial for-profit entities than NGOs.

Finding a balance between alternative two and three, to define a few distinctions between large groups (such as the one mentioned above) may be helpful to better achieve diversity among applicants.

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.

Please refer to page 24 of the Initial Report.

Please indicate your response to Guidance Recommendation 8: [single select, optional]

- Support Recommendation as written

Are there any comments or issues you would like to raise pertaining to the Rationale for Guidance Recommendation 8? If yes, please provide your comments here.

Our comment about Recommendation 7 is made especially relevant within the scenario posed by Recommendation 8. If the plan developed by ICANN does not involve granting more funds, then a prioritization seems to be the next alternative available. Not addressing the issue now may mean delegating this debate to others or rediscussing it in the future.

Guidance Recommendation 9:

Please refer to page 25 of the Initial Report.

Please indicate your response to Guidance Recommendation 9: [single select, optional]

- Support Recommendation as written
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Section 4: Other Comments and Submission

Are there any issues pertaining to Tasks 3, 4, 5, and/or 6 that the GGP Team has not considered? See the list of tasks on pages 3–4 of the Initial Report. *Note that issues not addressed by these tasks are out of scope of this GGP working group.* If yes, please provide details below. [open ended response, optional]

Other comments:

Are there any other comments or issues you would like to raise pertaining to the Initial Report? If yes, please provide your comments here. If applicable, please specify the section or page number in the Initial Report to which your comments refer.

Thanking once again for the great work done, we would like to suggest that, among the indicators obtained, ICANN should direct at least part of its focus to identifying the greatest difficulties in terms of understanding the process (and knowledge in general) in order to facilitate the implementation of improvements not only by the ASP, but by making small tweaks to the general application procedure itself (language changes or simplification of steps, for example).

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| Distribution | Public |
| Date | 25 September 2023 |

Governmental Advisory Committee Comments Regarding GNSO Guidance Process (GGP) for Applicant Support Guidance Recommendation Initial Report

Introduction

The ICANN Governmental Advisory Committee (GAC) welcomes this opportunity to provide comments regarding the GNSO Guidance Process (GGP) for Applicant Support Guidance Recommendation Initial Report (hereinafter Initial Report) (see <https://itp.cdn.icann.org/en/files/generic-names-supporting-organization-council-gnsocouncil/gnsoggpapplicant-support-guidance-recommendation-initial-report-25-07-2023-en.pdf>).¹

General Comments

The GAC enthusiastically supports the development of a foundational applicant support program for the next round of new gTLDs that will increase the number and geographical distribution of applications from underrepresented or underserved regions in all potential future rounds. Such an outcome will be important for the continued global credibility of ICANN. The GAC supports proposals to substantially reduce or eliminate the application fees and ongoing ICANN registry fees that will sufficiently cover all such applications in the next round. Without a substantial reduction in, or provision of financial support for the expected application costs and ongoing operational fees, many potential applicants in underrepresented

¹ This comment was prepared under the direction of the Committee's leadership and has been subjected to review of the GAC membership. It is intended to complement, but not replace, any input that may be provided on this topic by individual governments. The GAC expresses its appreciation to the Chair and support staff of the GGP effort for the gracious extension of time to the GAC to enable the committee to prepare and submit these separate comments by 25 September 2023.

or underserved regions will simply be unable to apply - owing to the historically limited availability of capital for ICT/digital initiatives.

The GAC asserts that non-financial support such as awareness raising, capacity development services and training is also a critical element of an applicant support program. Assisting in the provision of back-end services may also be appropriate in some cases.

Consequently, the committee offers a number of specific suggestions for how certain recommendations set forth in the Initial Report can be improved to more effectively establish the foundation for a robust and resilient applicant support program.

Specific Comments Regarding Particular GGP Initial Report Recommendations

Recommendation 1 - Communications and Outreach/Awareness

The GAC supports the intent of this recommendation and welcomes the focus on underserved regions. The GAC agrees that an effective communication strategy is a stepping stone for increasing awareness in and implementing a successful Applicant Support Program.

GAC Members have highlighted the importance of embedding accountability in the communication strategy, building on the indicators for success and collecting the key data and metrics to measure it.

The GAC supports the implementation guidance referring to both “under-served” and “developing” countries and regions and underlines the importance of relying on the GAC definition of under-served regions as “regions that do not have a well-developed DNS or associated industry economy”.

The GAC also believes that targeting potential applicants from the not-for-profit sector, social enterprises and/or community organizations alone is insufficient. This is because private companies, for example, may be better placed to operate a generic top-level domain in the long-run, due to factors like financial sustainability and in-house expertise. But private companies in small or developing economies would be impacted by their limited market size and availability of investment capital. Thus, the GAC recommends expansion of the targeted applicant pool to include private sector entities, so as to read:

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“Target potential applicants from private sector entities, the not-for-profit sector, social enterprises and/or community organizations from underrepresented and under-served regions and countries”.

Recommendation 2 – Applicant Understanding – Determining Need/Opportunity and Developing Applications

The GAC suggests modifying the recommendation as follows:

“That the Applicant Support Program has cultivated **and recruited** pro bono services **and mentoring programs and shared information about them to potential applicants in a way which facilitates matchmaking** 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”.

While the GAC agrees that ICANN should not “insert [itself] in the middle of the relationship” between pro bono services providers and applicants, it could further help facilitate the matchmaking for instance by (1) setting up a specific portal where offers (ICANN vetted pro bono services providers) and requests (potential applicants) for such services meet; and (2) supporting the development of a mentoring program through which successful ccTLDs could volunteer to coach potential candidates from underserved areas and share their experience. A combination of better matchmaking and mentoring would increase the establishment of connections between prospective applicants and potential mentors without posing risks for ICANN and would help address some of the shortcomings which emerged in relation to pro bono services with the previous applicant support program.

Recommendation 3 - ICANN ORG Set Up of Applicant Support Program for Success (in Operational Terms)

The GAC agrees with the recommendation as it is but would suggest – as a small improvement – further clarification of the notion of resources and what it encompasses - especially with regard to the notion of operational readiness. The GAC would also like to stress the importance of viewing “necessary resources” as a broad term - not simply in terms of financial backing but to include, for example, human capital put towards the delivery of the program.

Recommendation 4 - Application Submission and Evaluation

The GAC supports the recommendation as written but would like to emphasize the importance of the word “timely”. The committee strongly supports the idea for ICANN org to develop ICANN Learn modules that detail everything applicants need to know for submitting their applications. These modules should also be made available in a timely manner.

Recommendation 5 - Contracting/Delegation

The target of 0.5% of successfully delegated gTLD applications is considered by many governments as not being sufficiently ambitious in keeping with the intention to increase in the next round of applications for new gTLDs the number and geographical distribution of applications from underrepresented or underserved regions. Deciding to set this target on the experience of the 2012 round is “conservative” as the purpose of the efforts made on the Applicant Support Program is to improve the outcomes compared to those of the last round. The GAC would be in support of setting a significantly higher target.

Recommendation 6 - Ongoing Operations of the gTLD

No GAC Comments

Recommendation 7 - Allocating Financial Support Where There is Inadequate Funding

While the GAC supports the recommendation as written and the committee understands the choice made to follow the principle of fairness and not carry out a prioritization exercise between applicants in case of inadequate funding, it is important to be aware of the risks that the fairness approach implies. Applying equal fee reduction across candidates can lead to crowding out the “least resourced” applicants, thus affecting more, those who are already the most disadvantaged. Governments understand the difficulties that setting up a prioritization exercise would entail, but wonder whether it is not worth the effort to discuss this further.

Recommendation 8 – Minimum Level of Support

The GAC supports this recommendation as written and emphasizes the importance for ICANN to work on a plan to mitigate the risks of any support being diluted to the point of not being helpful at all. The GAC would also suggest a slight amendment to the final sentence of the

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recommendation to change “a plan if funding drops below that level” to “a transparent plan in consultation with the community if funding drops below that level”.

Recommendation 9 – Flexible, Predictable and Responsive Program

The GAC supports the recommendation as written and wishes to highlight the importance of providing an early indication of support to applicants when this is feasible.

Closing

The GAC is appreciative that it has had an opportunity to contribute to the GGP – Applicant Support effort. Committee members will continue to engage in this important effort as the program concept and proposals are refined and implemented.

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