

Topic 17: Applicant Support Briefing Document

Recommendation 17.2 (expanding scope of financial support)

As a reminder, the small team plus has been tasked to develop proposed modifications that are focused on addressing the Board's concerns. This is not an opportunity to bring new issues to the table or reopen previous conversations.

SubPro [Final Report](#) Recommendation

Recommendation 17.2: The Working Group recommends expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process.

Board Concerns – [Scorecard 16 March](#)

The Board remains concerned, as previously voiced as part of its comment on the Draft Final Report, over the open-ended nature of these fees as affirmative payments of costs beyond application fees could raise fiduciary concerns for the Board.

Note, this concern does not extend to facilitation of pro bono services.

Small Team's [initial consideration and assessment](#)

Deliberations:

- As noted in the 28 March Context (28 March Context: The issue here appears to be mainly focused on the open-ended nature of the potential payments), these concerns are about the open-ended nature of the fees, and that payments are to qualified applicants' vendors not under the control of ICANN, and potential liability issues from the suppliers of these services.
- The small team believes that there can be measures put in place that would eliminate or at least mitigate these concerns (e.g., establish an upper bound for payments and make it reimbursement based rather than handing out money, etc.).
- The small team discussed the possibility of referring this issue to the GGP Charter to address this issue, but there was not agreement to do so, due to concerns about impacting the GGP's work plan.

Assessment:

The small team understands the concerns and would recommend that ICANN org and the IRT address these concerns during implementation.

Board Statement following non-adoption ([Scorecard September 2023](#))

The Board reiterates its previous concerns about Recommendation 17.2, which calls for ICANN to "expand the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process." As previously noted, the Board is concerned that the expansion of applicant support to affirmative payments of costs beyond application fees could raise fiduciary concerns for the Board. For example, such expansion of support could raise the possibility of inappropriate use of resources (e.g. inflated expenses, private benefit concerns, and other legal or regulatory concerns). For these reasons, the Board has determined that its adoption of this Recommendation would not be in the best interests of the ICANN community or ICANN.

The Board recognizes and appreciates, however, that some potential gTLD applicants may need or benefit from these other types of financial assistance. As a result, the Board is conducting ongoing work relating to expanding the scope of financial support.

Clarifying Questions identified by Small Team

- While the small team is aware of the reasons for this recommendation not being adopted, it is not clear what is meant by this aspect of the rationale: “As a result, the Board is conducting ongoing work relating to expanding the scope of financial support.” The small team would very much welcome clarity on what this entails.
- Has the [Survey of Globally Recognized Procedures for Financial Assistance Programs](#) changed the Board’s thinking on how to expand the scope of financial support?

Responses to clarifying questions from the ICANN Board during the GNSO Council – ICANN Board joint session at ICANN78 ([zoom transcript](#) – 11:07 into the recording)

* Note that the text below is from the Zoom transcript and as such, may not be precisely correct. Please review the recording when in doubt.

Avri: thanks. I'll take that. And and, by the way, I wanna say, I have a long history of being a great fan of of applicant support.

No, I think normally, when the Board says it's working on something. Yeah, we're talking about it a little, and Staff is doing a lot of work.

So. And and I believe that Staff is coming up with a whole bunch of, or at least 3, you know. Interesting proposals. They they've, you know. We had a conversation the other day where they did have a whole bunch. And they said, Well, this one? Yeah, probably not. This one, probably. Oh, more discounts here, you know more percentages there. Yeah, more help and fellowships here. Yeah.

you know. So they're basically going through a list of possibilities, and then their income communication with the Irt. So I don't think because

staff is the connection between IRT. And and the board here in terms of the discussions. I think they're very much in the same space looking at those kinds of solutions that don't involve the outlay of cash to who knows whom, but basically the the doing and the discounting and and such.

Paul: Thank you, Avery, and we have the follow up question on this.

as to whether or not the the recently released survey of globally recognized procedures for financial assistance program is change. The Board's thinking on how to expand the financial support this is the I think it's like a 70. This is the 75 pager, right? That that has been circulating around. I don't know if that's something that has had an effect yet. It's it's early days. It's it's as we would say, airplane reading on the way over, and it may just have been at the bottom of your giant stack.

Avri: I do not believe the Board has digested that document yet.

Becky: It's really, let me just say that it is a resource. And this is an on. This is ongoing work. So if there are good ideas that that avoid the concerns that the board had with basically cash outlays to consultants. Then there's nothing that's off the table.

Other than the concerns that we expressed with respect to those 2. The specific proposals.

High level nature of the modification [per the small team](#)

At a high-level, the nature of the change could be to somehow expand the scope of financial support, without triggering the Board’s fiduciary concerns.

Proposed modification that is expected to serve as a starting point for the small team plus deliberations (note, this modification is intended to facilitate the small team plus deliberations, it is not intended to pre-empt additional or other suggestions)

In “redline” format (compared to the original version) - bold text is newly added text, strikethrough text is text proposed to be removed from the original.

Supplemental Recommendation 17.2: ~~The Working Group~~ **The GNSO Council** recommends expanding the scope of **Applicant Support** financial support provided to Applicant Support Program beneficiaries beyond the application fee to **provide access to an array of resources useful for the capacity building, planning, application, evaluation, pre-delegation and post-delegation phases of the lifecycle of the application.** For the avoidance of doubt, this recommendation does not obligate ICANN to provide support for all phases of the lifecycle of the application process as well as the registry. ~~also cover costs such as application writing fees and attorney fees related to the application process..~~

Community suggestions for implementation of supplemental recommendation 17.2: Below are some suggestions from the community which Council believes should be considered for possible implementation:

https://docs.google.com/document/d/1O9Kn0sTNB83wuYZC-xaD2WMW52x5fUYOWH_EmF6KWjA/edit

Archived - Small Team efforts to develop straw person language

[Draft text to be developed by small team and reviewed/amended by small team plus]