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January 13, 2012
Ref: UISoc-1201-015

To: Dr. Stephen Crocker, Chair
Mr Rod Beckstrom, President and CEO
ICANN

**Public Comments & Review of JAS WG Recommendation for
Financial Assistance & Implementation Plan for Developing Economies**
(Context Expanding Developing Economies Participation in the New gTLD Program)

Dear Sir,

With reference to the subject, we are thankful to the ICANN's efforts & consideration to expand 'new gTLD Program' for the Participation of Developing Economies. We hope that transparent evaluation process and reassessment exercise through public participation will ensure the enablement of true & active participation of Developing Economies in the new gTLD program.

We urge that the applicants from Least Developed, Under Developed and Developing Economies should be granted with the equal opportunities to participate in the new gTLD program to form the new layers of a common Internet with comprehensive Global Coordination and without d supremacy of a few companies or entities. Otherwise, the next Internet Business will also remain in the hands of Developed Economies and will support their monopoly, due to high costs of application and definition of set rules.

Please find herewith requested review comments, concerning the Application Support Program and implementation as recommended by the Joint Applicant Support Working Group (JAS WG).

Thanking you and Best Regards

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REVIEW COMMENTS

on

JAS WG Recommendation for

Financial Assistance & Implementation Plan for Developing Economies

(Context Expanding Developing Economies Participation in the New gTLD Program)

Version 2

Last Modified Date: 13th January 2012

Submitted to

M/s ICANN

Submission Date: **13th January 2012**

By

Urdu Internet Society/ Council

Internet Governance Forum of Pakistan

Review Comments:

Utilization of Seed Money & Charity Funds Generation:

The support program is estimated to facilitate about 2.8 to 5% applicants as per given ratio and allocated/reserve funds of US\$2M. We do not understand that ICANN needs charity funds generation and/or dependent to obtain financial support to accommodate LLC/LC/DCs. We have proposed the reduction of evaluation fee in its actual meaning.

Global Outreach Program & Expansion of Application Submission Time Slot:

We highly appreciate CEO's foreign visits (of about 16+ countries) for the awareness campaign. However, Global Outreach Program regarding new gTLDs is still not activated in many countries to run awareness campaign in media, newspapers and/or TV. Internet & Business Communities of LLC/LC/DCs are still unaware with the opportunities of new innovative business expansion in Internet and about the protection and/or the promotion of their Trademark Brands to facilitate their consumers and clients. We request to the ICANN Board to investigate about the implementation of Outreach Program and the utilization of its funds and at other side compensate the Developing Economies with the expansion of application registration/submission period from 3 months to 6 months. This favor will increase the level of trust of the Internet consumers of the under developed economies.

Refund Eligibility for non-Qualified Application Support Candidates:

According to the JAS WG recommendations, the non-qualified candidates (who were not able to obtain minimum threshold score) will not be able to apply for refund of their \$47K. ICANN may exercise any other kind of penalties to check the fake applicants but the candidates who are fare but were not able to be accommodated, unless they all should be able to obtain their initially collected funds of US\$47K.

Next-Round Eligibility for Qualified Application Support Candidates with No Award:

Automatic the eligibility for next-round of gTLD Program is also proposed for the applicants who have obtained threshold score but not successful for support funds (due to funds constraint) during current gTLD round. As they will be offered to submit either the remaining cost or to apply for the refunds, it is proposed to issue them a **Certificate of Eligibility** for next-round of gTLD Program and if the proposed gTLD script also has been approved in parallel evaluation, another Certificate may be issued regarding the String Evaluation & Acceptance by the ICANN for their direct entry into next round of the gTLD Program which may be expected within next few years.

Appeal Mechanism:

Evaluation and assessment of the application eligibility, scoring & award the support is only dependent to Support Application Review Panel (SARP). Although role of SARP is defined as independent panel, however, it is not clear that who will be monitoring their performance. There is significantly mentioned in the FA handbook that *"There is no appeal mechanism outside the generally available ICANN mechanisms"* and it is also stated that *"No Appeals Process – The award decision by the SARP is considered final and there are no processes for appeal. Please ensure your eligibility prior to your submittal of your application"*. We request to JAS WG, ALAC, GNSO, the Board and the CEO as well to provide a mechanism for the appeal at least with in the ICANN to hear the complaints of the applicants and to provide the appropriate remedy and the justice. This is necessary requirement to provide accountability & transparency as well as to maintain trust. Otherwise, the applicants may seek the option to approach ombudsman.

Scoring Mechanism:

Scoring Mechanism for some criterion of Application Support Program is either complicated or dependent to the personal opinion of the panel. An entity having the capable resources to draft long phrases and benefits of welfare will gain high score but the other entities will not be able convince the panel if they use short and precise statements. It is requested to please formulate the criterion for easy judgment and scoring mechanism especially for Public Interest Criteria

Outreach for Financial Support (Financial Need Criterion):

JAS WG proposed Criterion # 2 Financial Needs require a supporting letter as an evidence that the campaign for the funds raising has not been successful *“The applicant may provide letters from other funding organizations that have considered requests for support on this or other efforts. A response will merit a 2 if its assertions are substantiated with documentation specific to the gTLD project application and its lack of ability to raise funds for the application fee or other initial expenses”*. As an independent and non-governmental status entity and representing a community and public interest, the applicant of new gTLD Application Support Program is being promoted for the pleading (begging) first with in its own community and against its government. It is requested to please change the standards of the applicant’s eligibility for the requirements of the funds to fulfill the overall evaluation expenses and operational process/ implementation of gTLD Registry, considering the independence, moral and honors of the applicants. Most of the organizations or individuals are working voluntarily to serve their community and the nation independently without the dependency of fund raising or charity funds. Scoring for this criterion is promoting them to compromise on their ethical norms and values.

Multiple Script Effect (IDN String):

Still it is not defined that what will be the impact of the selection of multiple scripts (translated into local language). What will be the additional cost and support or score?

dotBrand promotion/protection for Developing Economies:

Why trademark holders in developing economies are being excluded from compensation in the fee and other relaxation. Most of the brand holders are not making enough commercial earning compared with the international brands/trademark holders of the developed economies. They might have a good name script suitable for .brand TLD but their current brand registration is just the protection of copyrights among the competitors of their own local region. They should be eligible to apply for the Application Support Program.

Geographic Name for Developing Economies

Similarly if a dispersed & isolated community from any corner or the globe wants to apply for a gTLD using name of their community area or as geographical names, they are not eligible for the support as per the JAS WG recommendations. It is requested that they should also be granted support and should be eligible for Application Support Program.

Thanking you and Best Regards

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