Comments on the New gTLD Applicant Support Programme – Financial Assistance

The Association for Progressive Communication welcomes this opportunity to comment on the New gTLD Applicant Support Programme (ASP). APC is a member of the Non Commercial Users Constituency and the Non-Commercial Stakeholder Group. In relation to the new gTLD process, APC was pleased to see the proposed fee reductions to $47,000 USD for some applicants. This is a positive step towards ensuring equitable access to the application process across diverse applicants and we support that development in principle (while also considering it does not go far enough).

We remain concerned, however, about the details of the new proposals and note the submission of the At-Large Advisory Community (ALAC). We endorse that submission and want to emphasise the following points.

Proposed use of funds for fee reductions

The proposal to apply $2M USD to fee reductions contradicts the express recommendation of the Joint SO/AC New gTLD Applicant Support Working Group (JAS WG). ICANN should instead allocate these funds to capacity building to improve registry performance in developing countries, thereby supporting the long term development of gTLD competition and choice among and between registry operators and registrants.

Many registries in developing countries face operational, regulatory and infrastructural issues that those in developing countries do not. These can include monopoly provider environments (either government controlled or privately owned), limited or stringent regulatory environments that are anti-competitive or which violate human rights, and overt or covert interference with registry operations and domain name regulation. ICANN has a unique and important role to play in supporting competition and choice for registrants and supporting de-centralised registry operations where possible. The overall long term benefit of well-functioning and capable registries is one that the Board can and should support.

Lack of transparency and disproportionate penalty

The vagueness of the financial need criteria demonstrates a problematic lack of transparency for support applicants. Applicants in developing countries must have clarity about the criteria against which their applications will be judged. In the absence of clear criteria, the penalty for failure to qualify (fee forfeiture and disqualification from the new gTLD process) is disproportionately harsh.

ICANN should work with a group of people from developing countries who are familiar with the diversity of developing country contexts and who can assist the Board to develop clear criteria that are fair and transparent. These criteria should take account of the relativities between and among applicants.

Charitable Foundation

The JAS WG made an excellent proposal that ICANN initiate a community wide committee to investigate ways in which ICANN might create a charitable foundation to carry out fundraising and grants related work, including for those in developing countries. We are

disappointed the Board has not taken the opportunity to action this yet and strongly encourage the Board to do so as soon as practicable.

Review Panel Composition

In our experience it is very easy for those who are not from developing countries to misundertand or misinterpret local contexts and, as a result, fail to properly consider applications. The composition of the Support Application Review Panel will be viewed critically by those from developing countries. To be credible the Panel must have community and experts external to ICANN who are highly regarded, including for their knowledge of diverse developing country contexts, and who come from the diversity of global regions.

New gTLD Outreach Programme

Outreach is, by definition, extending beyond known places and communities. Many people, particularly those in developing countries are unaware of the new gTLD programme or indeed of the other important developments taking place in DNS policy and co-ordination. While it is positive to see the proposal that ICANN's Outreach Programme include the Applicant Support programme, the overall Outreach Programme and related strategy needs to be clearer.

Yours sincerely

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Association for Progressive Communications

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