ICANN79 | CF – At-Large Policy Discussion
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MICHELLE DESMYTER: Hello and welcome to the At-Large policy discussion. My name is Michelle DeSmyter, and I am a participation manager for this session. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. During this session, questions or comments will be read aloud if submitted within the Zoom chat. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Interpretation for this session will include English, French, and Spanish. Please state your name for the record and the language you will speak if speaking in the language other than English. Please speak at a reasonable pace. And with that, I will hand the floor over to Olivier Crépin-Leblond and Hadia Elminiaw, CPWG co-chairs.

OLIVIER CRÉPIN-LEBLOND: Thank you very much. And welcome, everyone, to today's session. I am reaching you from London, England, and I am so jealous of not being in Puerto Rico. I'm sure it's fantastic over there. I hope you've had a great first day. We're starting a little late, but today we have a dynamic duo, Justine Chew and Cheryl Langdon-Orr, who will speak to us about the draft Applicant Support Program Handbook, a pretty long presentation. If you're interested in seeing the slides on your machine, you can actually download them from the agenda page that is linked in the agenda. And I'm not sure if there's anything else I need to say. Just, of course, I would be happy to work together with our co-chair, Hadia Elminiawi. I guess I can hand the floor to Hadia and then to Justine and Cheryl.

HADIA ELMINIAWI: Thank you so much, Olivier. This is Hadia Elminiawi for the record, and welcome all to this session. I would like to hand the floor to Cheryl and Justine to walk us through their presentation about the draft Applicant Support Program Handbook. This is critical in facilitating broadest inclusion for underserved, underdeveloped indigenous communities and small businesses, nonprofit organizations, and the next round of new gTLDs. Cheryl and Justine, the floor is yours.

JUSTINE CHEW: Thank you, Olivier. Thank you, Hadia. My name is Justine Chew. In this situation, I am the ALAC representative to the subsequent procedures implementation review team. Sorry, I wear many hats, so I have to figure out which one it is.

So today we're going to run through the draft Applicant Support Program Handbook because that is out for public comment at the moment, so we're trying to do an outreach to get input to the text of the draft handbook as it stands. So it's going to be a little hard presentation and hopefully more so conversations.

And I'm going to take this opportunity to just say that we in the APRALO have run a pilot, and I'm very proud of this team. What we did was we set up a small team to help do some of the background work for this session. I'm not sure that all of you would have had the chance to read the draft handbook yet. So we're going to run through some of that, and then we're going to have some inputs from this small team that have done the homework, so to speak. Michelle, can you go to the next slide please?

So the small team would be Cheryl, myself, and some of our regulars and new people, I would say. So I'm very happy to introduce some new people to you who we're trying to get more involved in the APRALO region. So making up the rest of the small team is Cherie Lagakali, Mabda Fajrilla Sidiq, Phyo Thiri, Samik Kharel, and Faheem Soomro. And four of them are here online, because obviously they're not paid to come here. They are participating remotely, and they will be asked to probably speak to some of the comments. So moving on, next slide please.

I'll just go through a little bit of background about the applicant support program just to refresh people's memory and what we're trying to achieve for this session. So we know that the applicant support program happened for the last round, the 2012 round, and it's an initiative that's tied to the new generic top level domain gTLD program. And what it was, it was intended to address the goal of fostering diversity, encouraging competition, and enhancing utility of the domain name system. And how it worked was it was meant to provide financial and non-financial support for eligible entities that demonstrate financial need, and the two aspects of the financial and non-financial support was application fee reduction, that's the financial aspect, and the non-financial aspect would be pro bono services. So things like backend services, legal services, that sort of thing that's not tied to an application fee. Next slide please, Michelle.

And as it transpired, there were a lot of issues with the ASP, the applicant support program, in the last round, so some of those challenges which you see on the screen now is some of the challenges that we are trying to fix for the next round. Okay, sorry, challenges from the previous round. I'm just going to highlight four and I think some of you are well aware of these already.

So very quickly, there was a low awareness of the program for the last round which ended up producing only three applicants and resulted in one successful applicant. And part of it was also because there were high barriers to entry, the threshold to succeed was a little bit high and in terms of what the provision of the support was that there was more emphasis on the financial side of it, which is the reduction in the application fee. Although there were pro bono service providers who were volunteering their services, there was no real active matching between the applicant and the service provider, the volunteer service provider. So those are the kind of things that we're trying to fix. And I won't deal with [inaudible] at the moment. Next slide, please.

Okay. So if you think of the context of the ASP program for the next round I just did this little very quick diagram. I don't know whether the pie chart works, but it is what it is. So in terms of moving the ASP, the applicant support program, forward, there are components that we need to look into but today we're just going to address one part of it. So you see that there's a communication plan that's supposed to go out when the handbook is finalized so we have to do promo for the program so that people are aware and that they can apply for the applicant support. There's also the funding plan, like where is the money coming from to support this fee reduction, to support the whatever, the pro bono if there is a financial element to it.

There is also the support application review panel. That one is going to be, in the next round, it will be handled or helmed by professional service providers, so ICANN is looking to engage a professional service provider to do and to empanel the SAR, the panelists that will look at all the applications and determine which ones succeed and which ones don't. And the call for that, the request for proposal, the RFP has gone out, but we have no update as to whether anyone has applied for the panelist service provider.

So today, for today, we're just going to concentrate on the blue parts and in particular the draft ASP handbook, and we're going to zoom in on hopefully the program structure and just the eligibility criteria because the handbook itself, the draft handbook itself is not 100% complete, and the reason for that is because there are still dependencies that are being worked on elsewhere outside of the IRT, so things like the GNSO supplemental recommendation 17.2 which touches upon the non-financial support that qualified applicant support applicants might receive. That is still going through the motions of a review by or update of the recommendation by the GNSO and you will hear this in other sessions. Then we have also incorporated into the discussion so far in the IRT the recommendations coming out of the GNSO guidance process on applicant support. Okay. Next slide, please. So let's get into the meat of the thing.

Okay. I've mentioned the challenges from the last round, so there are some updates to how the program is going to look like for the next round, and these are some of the things that we have managed to get into the handbook and also into the program structure.

So last round, the application for ASP was part of the main application for the string. Moving forward next round, they are separated. So the idea is there is going to be a separate application process for applicant support, and this applicant support application is focused on the organization, the applicant. They are not going to be asked to name their string, so there's no confidentiality or anything like that that needs to be maintained. And the idea is that if they are eligible as an entity because of financial need or whatever, then they would qualify as applicant support qualifier. They would then get confirmation that they have qualified so which means that they are immediately entitled to the fee reduction subject to certain things, and then when the main application window for the string is open, then they already know that they are entitled to certain reductions in fees and so forth.

And the idea also behind separating the two programs is so that once you know you are qualified for ASP, you can avail yourself to the non-financial, the pro bono services. How do you get a backend service provider? How do you write up your application for the string? How do you navigate the legal aspects of this application process, things like that. So that is part of 17.2, which is still being talked about but that is the idea behind separating the two programs. You've got the new gTLD program, the string, and the applicant support program, the ASP.

And so by separating it, ICANN Org is talking about opening the application window for ASP for 12 months, beginning quarter four of this year to quarter four of 2025. So we know that the next round is, the main window is only targeted to open at the earliest in April 2026. So you see how that works in terms of the timeline.

The ICANN Org is now suggesting to us that they are trying to make sure that any applications that come in, once the window is open for applicant support, they would try to process each application within 12 to 16 weeks. Okay, again subject to whether things are complete, whether things need additional information, but they try to target for a 12-to-16-week evaluation period.

In the event that if someone applies late in the 12 month window, and they haven't received confirmation whether they are qualified or not for applicant support, and the window opens, for example, it's unlikely, but it might happen, then ICANN has also given a good guarantee that if they have to apply ahead of time for the string, and pay the full fee, and then later find out that they are qualified for ASP, then they will get a refund. Or a refund of the reduction of fees that they would have been entitled to if they had been qualified, if they knew that they had qualified beforehand.

So as I said, the ASP status is now tied to the applicant, not the string. There's no mention of the string in the ASP application. And this is an interesting one, which I think might gather some comments here. So the applicant that is successful for ASP is going to be required to submit a deposit for the string application, within a certain time of knowing that they are qualified for ASP. And that is a requirement by ICANN Org in order to confirm their eligibility to receive the fee reduction when they apply for the string. Next slide please.

Okay, I've talked about the SAR third-party vendor, so I'm not going to repeat that. So in the last round, the 2012 round, there was policy that says that if you apply for ASP and you don't qualify, then your application is disqualified. So we thought that was a bit harsh. In the next round, we've changed that to say that if you apply for ASP and you don't qualify for ASP, you can still take your application forward for a string, but you are just full fee paying.

Change of application, applicants can change their application, but depending on the material, whether the change is material or not. And then evaluations will be done on a pass-fail basis, no longer scoring. And the last one is, which is still under debate within GNSO, which is the one-time limited challenge to the evaluation result. So in the past, we don't have ability for applicants to challenge a decision that's made on their application. So this time around, we're saying that maybe we should have that challenge mechanism, which is one-time limited, so you can't keep challenging. So you challenge once, if you don't succeed, then you don't succeed. Next slide, please.

So as I said, the current draft that's out for public comment is incomplete, and if you have read the draft itself, you'll notice that it's color coded in some parts, and that is what is meant by the color code, because there's some dependency that is still not resolved.

But having said that, we think that the available parts of the handbook is still ripe for comment, and I think we need to do something about putting in a comment. So we have all these things that we have tried to allude to, but no point talking about it in high level. Let's get into the substance of things. So moving on to the public comment questions. Sorry. I should probably pause at a point in time and ask if there's any questions to what I've just introduced before we start going into the material stuff.

EDUARDO DIAZ: In the deposit, that you have to put a deposit, if it happens that it doesn't get the, I mean, that person says, no, I don't want to do this, do they lose that deposit? Is that refundable?

JUSTINE CHEW: Okay. The deposit is only if you qualify. So you're asking if you qualify, and then you decide you don't want to be part of the thing, do you lose deposit? I don't think we've actually discussed that. So that's a question we can take back to the IRT.

JONATHAN ZUCK: My question was just on some of the things that we're going to be discussing, like the time frame, the deposit. Are these hotly debated questions that were bringing a position to, or would we be coming out of left field bringing some of these things up?

JUSTINE CHEW: The question of the 90 days deposit, that is one of the questions that we're going to be discussing.

JONATHAN ZUCK: Here?

JUSTINE CHEW: Yes.

JONATHAN ZUCK: Is it still under discussion in the IRT?

JUSTINE CHEW: It can be. If someone raises an issue, it can be.

SÉBASTIEN BACHOLLET: My question was about also the deposit. It is a deposit for one application, or it's a deposit for one applicant?

JUSTINE CHEW: Okay. So how it works is if you qualify as an applicant support applicant, again it's tied to the applicant. But when you get to the main round, your benefit is only for one application, so one string. So if you are applicant support qualifier and decide you want to put in two applications for two strings, whatever benefit that's ASP related can only apply to one of those applications.

Okay, let's move on then. Let's get into the questions themselves. I want to try and run through the earlier ones a little quicker than the rest, because if we have, I want to focus our time on section five, really, because that's where the big stuff is. Yes, thank you. Okay, so let's move to the next slide, please, Michelle. Yep, next slide.

Okay, so in terms of the introduction, and I think we're going to, Cheryl and I are going to take the liberty of just suggesting certain things, because we've been at the thick of things, and also part of the reason why I decided to institute a small team is to help us see things that we may not have seen, two of us may not have seen. And we are also hoping that some of you see things that we may not have seen. But in terms of the non-controversial stuff, like the introduction and the objective, it's quite boring. So I don't think we want to really comment on this.

CHERYL LANGDON-ORR: Okay. Just on that, I think it's really important as well, Justine, to remember, and I know we've said this before when we've dealt with this topic at CPWG meetings before, but this document is one that has been well developed. The drafting you've got in front of you is not controversial. It has been a very positive, very collaborative, one of the most effective and in-depth drafting processes I've certainly been involved with ICANN. And so there's no devils in the detail that we are clearly concerned about. So we are obviously wanting fresh eyes on things and other things to be raised, but we're not bringing it here going, “And we're a little concerned about this.” We are not. So in a lot of these things, it's a matter of, “We are comfortable. How do you feel?” And I see Jim.

JIM PRENDERGAST: And just to note, this was not developed by the IRT as a whole. There was a dedicated sub-team that worked specifically on this, and we had 18 meetings maybe or something like that. And I will note too that

ICANN staff who supported this particular effort was phenomenal. I mean, they knew their stuff up and down, so really good team.

CHERYL LANGDON-ORR: Thanks Jim.

JUSTINE CHEW: Yes, and I would echo what Cheryl and Jim just said that my personal opinion about the team that did this draft and worked with the IRT sub-team has been excellent. They have been very receptive of everything that we've spoken about. Can I just say that we will bypass this one? Because as I said, it's kind of boring, and I don't think we need to really get into the stuff of this. So next slide please.

CHERYL LANGDON-ORR: And the answer is going to be yes anyway.

JUSTINE CHEW: The reason why we're bringing it up, because of the way that the public comment questions are structured, they ask, do you think Section 1 is reflective of the recommendations of the SubPro? Have we done anything wrong? So Section 1 is just intro.

So Section 2, I thought I might just highlight this if you don't already know it. So the types of support that we are thinking about for next round, both in financial form and non-financial form, is ASP training program. So I think this is something that the GAC asked for. So this is part of the 17.2 discussion still. So we're going to be working very hard to push a lot of things through for 17.2.

Access to pro bono service providers, independent and not endorsed or contracted by ICANN Org, I think it's going to be similar to what happened in the last round. ICANN is going to play a facilitative role, making applicants aware of what services are available. And then they have already started making a call for service providers to identify themselves and come forward for this program to be volunteer as a pro bono service provider.

There will be resources and information for potential applicants to understand the program, the new gTLD program a lot more. What it means to operate a gTLD, how to participate in the MSM model, the multi-stakeholder model community and model. And access to application counsellors, so this is an interesting one. We haven't had too much information on what the actual role of the application counsellors is going to be. So I don't want to comment unless Cheryl— Okay. So those are one of the things that we're going to follow up on. And you see that some of these are color coded. So it means that it's still pending.

In terms of the fee reduction, so moving on to the financial aspects of the support. Fee reduction, even when they were doing the operational design phase, the ODA report, the operational design assessment report, ICANN Org indicated that they're looking at potentially 85% maximum reduction in the application fee of the new gTLD program. There's no fee for applying for the ASP by the way. But there are still questions about how many applicants we're going to get. What is the actual ASP fund pool amount? We don't know those. So we are still sort of moving our way through as much as we can, as best as we can. But as I said, ICANN Org is prepared to commit up to 85% fee reduction. So again, subject to certain factors being more known. But they did ask the IRT, the sub-track anyway, whether there should be a minimum. And I think the group agreed on a 50% minimum of fee reduction. And that's not policy by the way, so we are putting in our inputs there.

And then another thing that would apply is the bid credit. If an applicant applies for applicant support, applies for a string, and then falls into a contention set, and they end up in an ICANN auction, then they would have the benefit of a bid credit. Which means that, for example, if they put up $1, the bid credit would be a multiplier kind of thing. So that $1 could translate into 1 times X or could be 4, could be 10. ICANN has decided what that factor is going to be.

And the last one, which is also I believe something that GAC asked for, which is the reduce or waive base annual registry operator fee for applicant who have qualified. They've gone through the process, they succeeded in getting their string. The string has been delegated into root, they have started as an operator. And then there are certain conditions that, once you start upgrading, you may trigger fees to ICANN. Annual fees. There are two components, but we'll just call them annual fees. So then this particular support is to possibly waive or reduce that fee, depending on how healthy the applicant support registry operator becomes. Next slide please.

Okay, so a bit of background. So in 2.2, how the next applicant support program is going to be done by way of evaluation would be through two evaluation phases and five evaluation categories. So phase one is the general business due diligence. So we'll be looking at things like legal compliance check, completeness check, background screening, cybersquatting history. So any one of these could knock you out. Even for the string, the application. It's not just the ASP, but the application for the string as well. So it's similar. And you would need to obviously pass this phase one evaluation in order to get to the phase two. And the phase two is where we are probably more concentrating our efforts on. They deal with public responsibility due diligence. So you can read for yourself what that actually means. Financial need, financial stability, and eligible entities. So in the last round, I think there were only three categories that the SAR looked at. This next round is going to be five categories. And you need to obviously pass both phase one and phase two to qualify for ASP.

CHERYL LANGDON-ORR: Are there any questions at all from anybody? What is important about this phase one, phase two, also means that if you are successful in your applicant support program efforts, you know you're not going to fail the general business due diligence when you apply for your string. So that means we're not setting people up to then go forward and fail. So they have a certain degree of assurance or confidence in taking the next steps. Thanks.

JUSTINE CHEW: Okay, so let's move on to the—Tijani.

TIJANI BEN JEMAA: Thank you, Justine. As for the minimum reduction of the fees, 2012, the amount of the reduction was 75%. So this time, if we start from 50%, I think we shouldn't be below what was done in 2012.

CHERYL LANGDON-ORR: We'll come back to that at a later slide as well. So I think you'll find when we dig into a little discussion in a later slide that that might become a little more obvious because it has to do with other activities like the GDD and things. Thanks. We've got Sébastien, then Hadia.

SÉBASTIEN BACHOLLET: Thank you. In this slide, the phase one and phase two are separated. You go first to the phase one and then to phase two. And in the phase one, you don't have really background checking about if you are in need for support. That means that I put my application, my name here, my organization, and I get one part of the work who must have been done when I apply for a string. And how I can turn the process to know in advance that I will be able to go in the next phase.

I can try in English or in French, but I try to see where the people who are very imaginative can game the system. I am an [LC] organization. I put my name here. I get through the phase one. I already know that I will go through phase one. And it's an information useful when I will apply for a string.

JUSTINE CHEW: If I can just clarify, the application is one application. You don't apply for one thing and then you apply for another thing. It's a complete application. The information that you're supplying will address financial need and blah, blah, blah. The completeness check is whether you have been a bad organization or not. It's part of this ICANN practice of knowing who they are dealing with, whether they are comfortable with contracting with this party or not.

SÉBASTIEN BACHOLLET: My question was if you go through phase one, you know the result of phase one before going to phase two.

JUSTINE CHEW: For evaluation purposes.

SÉBASTIEN BACHOLLET: Yes, but let's imagine that I go to phase one, I pass it, but I can't, I don't go to phase two because I am an [LC] organization. Therefore, I have an information that I will, when I will apply for a string, I will go to this first phase.

CHERYL LANGDON-ORR: I finally understand.

SÉBASTIEN BACHOLLET: Sorry, you finally understand. I finally get you my idea behind my head. Thank you.

CHERYL LANGDON-ORR: Okay. The answer to that posed question is yes, and I guess the question is, "And so." Because every applicant for a string will also be going through an identical business due diligence. So yes, there may be a perceived advantage that they can rest assured that they won't fail at that point in their string application. But what the derived benefit would be in terms of advantage over any other applicant, I'm failing to see a problem. If Jim or anyone else can see a problem, I'd be happy to hear about it. No? Justine, no? So the answer is, doesn't seem to be a problem as far as we can tell.

SÉBASTIEN BACHOLLET: Just to say that it's strange you ask us to try to pinpoint where it must have trouble. I try to do that. And the answer is, oh, I have trouble to understand and no. But you know the people who organize private auction were very, very good. Therefore, I just want to be sure that they don't game the system again. Thank you.

CHERYL LANGDON-ORR: Okay, and I think we also need to remember that in our fear of gaming, setting up the system last time is what caused the abject failure of the applicant support program. And one thing that we are most concerned about working together on this program is to make sure whilst we're not throwing all caution to the wind, we are also not making the barriers for effective engagement and success in an applicant support program that builds diversity is so high that we're going to fail a second time. I've got Hadia next, but does anybody else want to pick up on this particular point because we may be going to a separate point by the time we go to Hadia.

JUSTINE CHEW: Sébastien, I would ask that when we get to the point about eligible entities, whether you still have a concern?

CHERYL LANGDON-ORR: Yes, that might help.

SÉBASTIEN BACHOLLET: I just want to add one point. When I talk about gaming the system, the [wealthy] organization didn't want that the poor organization was gaming the system at the last round. Here I am talking about the reverse. Thank you.

CHERYL LANGDON-ORR: Okay, then Hadia, over to you.

HADIA ELMINIAWI: Thank you. This is Hadia for the record. So number four is financial stability. This is the ability to pay remaining base of the gTLD applicant fee without experiencing financial hardship. So what about stability in relation to operating the TLD itself, the financial stability required for that? Where does this come in?

JUSTINE CHEW: Can we look at the question when we reach the slide? Thank you. Next slide, please. Okay, so here is the question regarding section two. What you see in the blue text is the things that the small team kind of raised and thought we might want to comment on, and this is for input within this group here now. 2.1 is just an acknowledgement of the support that has been listed that I went through earlier.

Section 2.2, phase one. Does failing phase one also mean that the applicant can't submit a gTLD application? I think it's kind of tied to what was discussed earlier. I mean you have to pass both the phase one for the ASP application as well as the new gTLD application, the due diligence check. But it's not clear to us, or at least to me at least now, whether the phase one for the ASP is the same as the due diligence check for the main application, and whether the applicant has to go through it twice. Okay, so that's something that I think we need to clarify. Tijani.

TIJANI BEN JEMAA: It couldn't be the same since there is not financial stability evaluation for the—one of the things are not the case for the new gTLD program.

JUSTINE CHEW: Okay, but I'm talking about phase one, which is the due diligence. Due diligence, there is no financial aspect in the main application round. But you can correct me if I'm wrong. That's fine. Okay, so does anyone have an issue with this?

JONATHAN ZUCK: With the potential of having to go through two sets of due diligence?

JUSTINE CHEW: Yep. So I just wanted to ask the question of the IRT and ICANN Org. If the applicant support applicant has gone through phase one, they qualify. So they obviously passed phase one, the due diligence. So when they put in their string application, do they have to go through that check again? Right, because if it's the same identical check, then it's doing it twice, which doesn't really make sense. Okay, that's what I meant. Okay, so let's move on. I want to just get through some of these.

Okay, section 2.2, phase 2, financial need and financial stability. So Cherie, you're online. I would ask you to speak to this because I think it's a question of whether the English is clear enough. I think that's my interpretation of it. Cherie, are you there? Okay, she may have dropped off. Okay, go ahead, Hadia.

HADIA ELMINIAWI: This is Hadia for the record. This is just a clarification question in relation to 2.2. Does failing phase one also mean applicant cannot submit a gTLD application? I guess the answer here, it's not that the applicant cannot. It's that why would the applicant go ahead and submit if the process is the same? Because if the answer to 2.1, if the answer to if the applicant actually succeeds in phase one, would the applicant go again through the business due diligence? If the answer is no, then the answer to 2.2 phase one, the first part, is no as well.

JUSTINE CHEW: Okay, thanks for that, Hadia.

CHERYL LANGDON-ORR: Marita.

MARITA MOLL: Yeah, thanks. Marita Moll speaking. I guess it would be very important to know whether or not phase one procedure was identical in both the ASP and the general applications. I mean, that's one, with Sébastien's concerns, I guess that is one place where if there's a difference, someone could figure out a way to game the system. And if one was easier than the other. So, yeah, I think it's important that they be the same, and if they're not the same, then you should know exactly what the differences are.

JUSTINE CHEW: Thank you, Marita.

CHERYL LANGDON-ORR: Yeah, and they are the same. At least everybody who's sitting around this table is nodding that know what the plan was. Jonathan?

JONATHAN ZUCK: Yeah. It's not my area of expertise, but just reading this language, it feels like a little bit of a catch-22. I think that it's unlikely that anybody that imagines themselves running a top-level domain is going to be put into serious financial jeopardy with half of the cost of an application. I mean, there's so much more to applying, to getting something up and running. That's part of why we're talking about deeper support. And so this feels like a little bit of a catch-22 in the way this is worded, because it seems to suggest that unless you were suffering financial hardship otherwise being able to apply, so I don't know, Jim said it might be $250,000 or something like that, so $125,000 in an underserved region might not be enough to put somebody out of business, but it might be enough for people to think twice about applying. And so we want these organizations that have to make choices to make this choice. I mean, there's companies that have enough money that it doesn't matter. It's not a real choice. They're not giving something else up by doing it. You know what I mean? I think a lot of the applicants that we might be talking about are going to say, well, we're going to do this or we're going to invest in a new fleet of trucks or something. There's going to be a choice associated with it. And we want them to be able to make this choice. I think that's different than suffering financial hardship over $125,000, because if you would suffer hardship over $125,000, you're not going to run a TLD.

CHERYL LANGDON-ORR: Okay, now we've got Cherie, hopefully ready to roll. There you go.

CHERIE LAGAKALI: Thanks, Cheryl. Hi, Justine. Hi, everyone. First of all, thank you for allowing us to be a part of this small team. Just going through this handbook as a reviewer allowed me the opportunity to just understand the process in general. Otherwise, there were times when it flew over the top of my head any other time it came in emails.

I felt that for me, for a handbook, it's got to be simple and something to be understood by the applicant. And I felt that the difference between financial need and financial stability was making just the explanation of it was a bit more complicated. And that was difficult for me to understand just the difference on how do you meet criteria one and the difference between criteria A and criteria B. And there might be cases where one offsets the other. I thought that was confusing and I thought that maybe there might be a simpler way of just putting it just so that as a user it just made sense looking at it, reading it once.

JUSTINE CHEW: Okay, so do we agree that these are the points that we need to raise as well? No objections? So, next slide please.

JONATHAN ZUCK: [inaudible]

JUSTINE CHEW: Yeah, I'm conscious of the time. If you want to do some kind of polling, then I'd suggest just doing the green ticks on your Zoom. So I think to facilitate faster, I'm just going to ask if there's any objections really.

CHERYL LANGDON-ORR: And I think what we will do, Jonathan, just to reassure you, at a future CPWG meeting we will do a polling, but it will be then from this knowledge base that you've all had a think and a discuss.

JUSTINE CHEW: Correct. This is the first time we're actually discussing the draft handbook. It's not going to be the last time. The idea is we're going to put together a comment and that comment process has to go through

CPWG anyway. So we can do the polling there in the subsequent call. Okay, so moving on to, I think we can skip this slide. Next one please.

Okay, so this is section 3 in terms of the program timeline. Okay, so I described to you the fact that it's separated now for ASP is one timeline and for the main string is another timeline. And I also alluded to the fact that I can all has tried to commit to between 12 to 16 weeks to evaluate each application for ASP.

So the first comment that we had was—and by the way, in the draft text, it just says the full evaluation of phase 1 and phase 2 we will commit to between 12 to 16 weeks in terms of getting the evaluation done. So I'm going to ask Mabda to speak to her point on whether that is clear enough or whether we can try to extract more clarity on that. Mabda, are you there?

MABDA FAJRILLA SIDIQ: Yeah, thank you, Justine. Hi, this is Mabda for the record. My initial thinking of suggesting this comment is because I noticed that it was mentioned that it will take up to 16 weeks for evaluation but there is no mention on when, for example, if the applicant does not pass the first phase whether or not, when can they expect to hear back from ICANN on their application. I was thinking that for the sake of transparency as well as making sure that they're able to plan as well as possible, there should be more clarity on how the 12 to 16 weeks—a lot of time for the evaluation will be broken down between phase 1 and phase 2.

JUSTINE CHEW: Any comments? No objections? Okay, moving on. Thank you for that. I think this is the one that probably has some discussion on. So in terms of paying the deposit to ICANN within 90 days of finding out that you have qualified for ASP and that being a requirement from ICANN Org to confirm your eligibility to get the fee reduction, I think Eduardo had a comment about this and Samik, who's on the small team, has also got a comment on this but I think Samik's not with us. Basically, Samik is concerned about the 90-day timeline from the perspective of—Samik's from Nepal. So he was saying that in some countries like Nepal, it would be very difficult and time-consuming to make the transfer or to make the transfer happen within 90 days, especially when it's US dollars and it's going to a foreign company in the US. So we thought there might be some scope to either try and extend the time or allow for an extension of time or maybe extend the time from 90 days to longer. Eduardo, I see you're leaving the room, so I don't know whether you wanted to address this point about the 90 days?

EDUARDO DIAZ: No, the question I have is not about the time. If I decide not to do it, can I get $2,500 back?

JUSTINE CHEW: Okay, thank you. Sorry about that. So does anyone else have a concern about the 90 days or any part of this process?

JONATHAN ZUCK: I guess it's just a question. At the beginning you said that this is a separate process from the application process, and I'm wondering 90 days out from this process, how far away is it from the application process? How far in advance are they being asked to pay this deposit relative to the other applicants?

JUSTINE CHEW: It depends on how fast or how early they put in an application for ASP. So they have a 12-month window to do that. You say they put in early, and they find out early, then it's 90 days from when they find out, and it could be well in advance of the application round. Because the 12-month period, I think between the ASP 12-month period and the application window, there's a buffer of six months.

CHERYL LANGDON-ORR: Jim?

JIM PRENDERGAST: Just to add to that, there will not be an unlimited source of funds available. So one of the things we talked about in developing this is to clearly communicate to the community that the earlier you apply for applicant support in the cycle, the better your chances are of finding out sooner and taking advantage of the funds that are there. They could run out. We don't know how much ICANN is setting aside, but it's not going to go on forever.

JUSTINE CHEW: Sorry, and I mentioned also earlier that the sooner you find out whether you get ASP status or not, then the earlier you can avail yourself to all the other pro bono services that you might need to put your string application together. So we're encouraging all the potential applicants to apply early.

CHERYL LANGDON-ORR: Sébastien?

SÉBASTIEN BACHOLLET: First of all, I hear what Jim says. That means that first come, first serve. Okay. And that's a bit strange for me, but that's the way that ICANN manage the money, I guess. And regarding the date, why it's not, I don't know, 90 days after 1st of January, 2026 and not when you apply. And my last question is, can it be that you have the money in your bank that the bank says that yes, it is, and it is available, and it's different to withdraw the money, to send the money to ICANN.

CHERYL LANGDON-ORR: Thank you. And we'll make a note about letter of credit in particular. For example, the point that Samuel was making regarding difficulty at letter of credit could be of a benefit. I have Amrita, then I have Hadia, then I have Marita, then I have Avri. Make it short, people.

AMRITA CHOUDHURY: Thank you, Amrita for the record. And answering to just your question, Justine, which Samik has suggested, yes, I agree there are many countries, [LDCs,] where money transmission may take a lot of time. Perhaps you can have an exclusion wherever there is an issue. You know, it could be taken on a case-to-case basis. There would not be many because the amount is huge. So it could be looked at on a case-to-case basis if you want to extend it from 90 days.

Another thing, Sébastien, I have a concern if for example, a bank is showing that X who is applying has that much of money in the account is people may, again, move that amount after, say, one month or two months. So what then?

CHERYL LANGDON-ORR: Yeah, it would be held.

AMRITA CHOUDHURY: If it is an escrow or you are having a bank guarantee or something, then it makes sense. Else people may game that also.

CHERYL LANGDON-ORR: Thank you, Amrita. Hadia?

HADIA ELMINIAWI: Thank you. This is Hadia for the record. So based on Jim's comment where he said if the money runs out, then the applicant applying after the money runs out won't have a chance. So actually what we're talking about the 12-month period might not be a 12-month period. It might be six months. We don't know. And I guess this needs to be also highlighted in the applicant handbook. So applicants need to know that, yes, it is a 12-month period as long as the money is still there. Thank you.

CHERYL LANGDON-ORR: Thanks, Hadia. Let's move to Marita and then we'll follow with Avri. Marita?

MARITA MOLL: I'm going to support what Hadia said. I think that has to be very clear that it is a first-come, first-serve. And I'm also wondering what happens to someone who's actually caught in the middle of that. You're midway through and the money runs out. Probably all this is not going to happen, but question.

CHERYL LANGDON-ORR: Thanks, Marita. And one we have actually done a little bit of contemplation on, but we also have a number of dependencies, as you'll remember, was mentioned at the beginning. There were some bits of the book which are coded in different colors and some of the financial plan associated with this is the bits, some of the bits we're waiting for. So watch this space. Avri?

AVRI DORIA: Hi, thanks. Avri speaking. Something that I've been following this IRT and something that really only occurred to me until I was listening here is by doing this, by saying the people that have the deeper pockets at the beginning of the application support have a better chance of getting application support. And because you won't apply for it unless you think you can get that deposit in on time. And so perhaps to get rid of that particular disadvantage of that, you might still have the first come first serve, even though that's probably a bad idea too, is that if all the deposits have to be paid at a common date, like at the end of the applicant support period, as opposed to within 90 days. And that might also help alleviate a little bit of the can I get it done in 90 days. Apply early, get yourself on the list as being one of the approved earlys, and give yourself as much time as you can to collect your money, but everybody's got to pay it at the end. If you don't pay it, then your name is struck from the list, or some such. Thanks.

CHERYL LANGDON-ORR: Thanks, Avri. And that's of course in support of something that Sébastien also raised, so we'll make a note of that. Thanks very much for that. And I think we should probably move to the next bit.

JUSTINE CHEW: So I'm going to take the executive charge here and skip some of these things because I want to get to five. In terms of three, it's just a writing thing. I think we can deal with that internally. I don't know whether we want to discuss whether there's a need for describing in what scenario an extension might be given if we're going to go with the ability to apply for an extension of time. But for example, the suggestion that Avri made to push the payment timeline to later may not then require discussion of this. We're going to make sure that the expected timeline for a refund, the refund that was mentioned in the handbook itself, to be specified in the AGB, because there is a portion of the applicant guidebook for the main string that deals with refunds and timelines for that. So we're just going to make sure that something is mentioned either in the handbook here or in the applicant guidebook.

There's one that was highlighted by Cherie. Maybe she can talk to this so I can shut up. Cherie, point six is yours.

CHERIE LAGAKALI: Thanks, Justine. I felt that keywords should have been highlighted in bold and italics and also identified disclaimers, especially the part about the prohibition to reapply for the current round of ASP application only. It needs to stand out somewhere and it doesn't stand out on the handbook.

JUSTINE CHEW: Thank you for that, Cherie. Just to provide some context, I believe in the draft handbook it just says that if you apply for ASP and you don't qualify, you can't reapply and it's to that extent. So we want to just make sure that the prohibition to reapply applies for the current round and not for the next round. So not a permanent prohibition. We were talking about that earlier. Next slide, please, Michelle.

So this is the bit about where it talks about the application and evaluation fees. Section four, basically it says qualified ASP applicants can expect to enjoy certain things like the reduction in fees, the reduction in evaluation fees. So there's a distinction between the application fee which is the base application fee. And then there's also other additional evaluation fees but those are depending on whether you need those or not. So it's not a mandatory thing. But ICANN Org have said to us that the fee reduction applies both to the application fee and if you are caught in an evaluation or some kind that requires fees, you also enjoy reduction fees in that respect. And obviously you get the big credit.

So from my perspective, I didn't see anything plausibly that needs to be commented on. I don't know if anyone else shares my perspective.

CHERYL LANGDON-ORR: Just by way of additional information to help you make up your mind on this and contemplate what it is. You'll notice that unlike, as Tijani pointed out, the 75% of the application fee was what the proposal was last time round in 2012. Here, 85%, okay, that's different, but there's also a floor. And the floor, that 50%, is very, very, very important. Because that's where we have some ability to manage expectations. There's only going to be so much resourcing of this, as Jim said, once the money's provided and the money runs out, that's it. But it would be tantamount to a farce to suggest that we are supporting applicants and then accept so many applicants that the amount they were able to be given was so small because we split one piece of cake in 90 different directions. We were much better to look at one piece of cake split in nine directions, giving effective and real benefit to the applicants. So that floor, that 50% floor, means that any person or group or entity looking to become a supported applicant knows that is the minimum they can hopefully, if they are successful, expect.

Now if that means, depending on the amount of resourcing, as pointed out in the GDD activity, if that means X million has been provided for, then we should be able to say therefore we can take up to this many applicants. And so we can then manage expectations once we open up that program. We can say we are three-quarter subscribed and let people know that the likelihood if they delay or if they put off making an application decision until later on, their likelihood of even getting into the group that is considered will be reduced. And we are talking about ways that, is there some mechanism of almost a wait list I suppose. But that's the current thinking. So that floor is very, very important, as is of course the big credit, which of course Justine has covered with you as well. Hadia.

HADIA ELMINIAWI: Thank you. This is Hadia for the record. And I think actually determining the amount of reduction prior to the opening of the application period is very important. So it's important also because if we don't know and we open the application period and then first come first serve, where do we draw the line? When do we say we stop here? So I think it is crucial to determine the amount prior to the open of the application period.

CHERYL LANGDON-ORR: Tijani.

TIJANI BEN JEMAA: Thank you. Yes, my fear is that we don't know yet what is the application fee’s like. So last time it was 185, you remember, thousand. Yeah, this time it might be yes, and I am sure it will be higher than that. So if you limit it to 50%, perhaps you will not have the diversity we are looking for for this round. I'd like to remind you that this round is looked at as a remedial round because last time we failed 100% about the application support. So if we want to have applicants, if we want to have diversity in the DNS industry, perhaps we will not have people who are able to pay 50%, or we will not have the right diversity if we limit it to 50%. Thank you.

CHERYL LANGDON-ORR: Okay, Tijani, we'll make a note of that concern, but I guess the other thing we do also need to remember is that this is the thinking that the GDD process spent a lot of time going into details about. And we have an advantage this time coming that we did not have last time, and that is a much more effective and well-planned communications exercise. So perhaps to balance that concern, we need to ensure that it is the least developed and greatest needs areas that have the greatest focus of communication, and of course that's a role for our At-Large structures, our At-Large communities and our RALOs, of course, as well as individuals, if they are working with or near a disadvantaged or clearly needs likely to have financial support required grouping, that they get that message out early and also make sure everybody knows that there is some time criticality that may come into play. But remember, before this all goes live, we should know what the resourcing is. So we will have a lot more information to work with. And that's back to you, boss. Sorry, I've got Jim and then I've got Shah.

JIM PRENDERGAST: Tijani, to your question, remember that operational design assessment, that big year-long project that ICANN did, in that they speculated that the new application fee would be in the range of about 240,000. But that's not set, but that's the general thinking and that's the ballpark.

CHERYL LANGDON-ORR: Thanks for that. Very briefly, Shah, and then extraordinarily briefly, Claire.

SHAH RAHMAN: Thank you. This is Shah for the record. Sorry, I just wanted to follow up with Tijani's questions regarding that applicant could be from the developing countries. So my concern is about that it is minimum 50 or maximum 85. So is there any additional clarification or during the due diligence process have that applicant can anticipate their expectations or maybe that could be helped?

JUSTINE CHEW: How it stands now is we, the community is forcing the issue on the 50%, I can tell you that. ICANN Org is saying that they will try and commit to a ceiling of 85%, but there wasn't a minimum. We said that we wanted a minimum and the group itself decided that 50% is probably fair. So how this works is you have a 12-month window to apply and if, say for example, a bunch of people apply and they qualify and the fund runs out for 50%, then they will cut it off. They will cut the program off and not accept any more applications. If there are leftover funds, for example, some of these people don't qualify, so there's excess funds, then they will top it up to 85%. So that's how it works, which is why the minimum is important to us anyway.

CHERYL LANGDON-ORR: The last word, others and Justines, is Claire's.

CLAIRE CRAIG: I don't know if I am missing something, but it seems that we had a concern about the payment of the US$2,500 in 90 days and what if persons are unable to meet that. The figures that Tijani mentioned are way bigger than that. What is the timeframe for that payment? And if we have a concern for $2,500, what's the concern for the payment for those kinds of figures and is that taken into consideration anywhere else?

JUSTINE CHEW: Thanks for that, Claire. We will make sure to raise that in context of the application for the main round as well. I think we've run out of time, folks. Unfortunately, we haven't got to the good bits, so you'll have to join the CPWG call to get engaged in the good bits.

Thank you for your input, thank you for your engagement, thank you to the interpreters. Thank you to the interpreters and thank you to my small team for the work that they've done. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Justine. Next meeting of the Consolidated Policy Working Group will be on the 13th of March, 2024 at 14:00 UTC for 60 minutes. Initially, we weren't going to have a call, but since there is so much discussion here going on and we have some policy comments to produce around that time, we will meet up. There will be no interpretation, unfortunately, but we'll all be there and we hope that you will be there too and you as in everyone in the room and everyone watching and listening. Anything else?

HADIA ELMINIAWI: Nothing from my side, thank you so much. Thank you Cheryl and Justine for this informative session and indeed we have a lot to discuss. Just today we pinned two or more items. Thank you.

CHERYL LANGDON-ORR: Thank you to the interpreters, thank you to the staff at the back that make all the magic run, and thank you one and all.

[END OF TRANSCRIPTION]