

ICANN Transcription

Applicant Support GGP

Monday, 06 November 2023 at 20:00 UTC

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MIKE SILBER:

...in Hamburg, but good to see you. Let's get back into the work stream. Also good to have Julie Hedlund back with us. I hope you had a good break, Julie. And thanks, Steve, for the great carved out work that was done. Seeing as we now have a full team, I think Steve will be handling notes. Julie will take us through the document. So without any further ado, I'd like to hand over to Julie. Yes, we should just check SOIs and see if there are any updates. But other than that, I think we hand over to Julie and we check how far we can get in the extended session in terms of working through the document.

JULIE HEDLUND:

Thank you, Mike. This is Julie Hedlund from staff. And let me go ahead and bring up the Public Comment Review tool. One moment please.

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MIKE SILBER: Thank you, Julie.

JULIE HEDLUND: Here we are. Let's see. Let me share that so you all can see it. All right. It looks like you should all be able to see this. We have somebody who's entering the waiting room with a phone number. Julie B, do you want to check that?

JULIE BISLAND: I was just going to say.

MIKE SILBER: That was Paul, who was struggling with the Zoom, so he was dialing in.

JULIE BISLAND: Okay. There we go.

JULIE HEDLUND: Paul had the same problem this morning. All right. So we're going to start with Guidance Recommendation 6. Okay. Wait a minute, we have somebody joining. Ros is joining. Let me get her in here. Okay. Thanks, Ros. I see she's got apologies in the chat. Thanks for joining, Ros.

So we're going to start with Guidance Recommendation 6. I noted that we do have some content in the list from Maureen. But before we get to those, let's go ahead and give you all a summary of where we stand on the comments on this recommendation. So you'll note that the

comments are all grouped in the green area that is supporting the recommendation. We have seven common support in the recommendation as written. Then we have ICANN Org as the eighth comment supporting the intent but with a wording change. And then there's no other comments.

NCSG did make some comments despite supporting without change. And that has to do with to the elements indicating success after three years and it seems to be a central part of the overall objective. I just note that we think that this comment—we do see also Tom Barrett just joining. So in the NCSG comment, in the comment and the deliberations, it seems to be relating to parsing the data. And from a staff point of view, it seems that the implementation guidance already supports parsing out the data. That is that the IG says that for gTLDs that are not still in business—we have Tracy joining—barriers and challenges should be identified and investigate elements of the program that were useful or not, which suggests parsing data. So perhaps that comment is already addressed but we can discuss that.

Then the comment from Org has a wording change suggested to add “in the next round” to note that the recommendation is future looking. But perhaps we don't need to be that specific. We could generalize that to future rounds or to say in the future.

I see Rubens has a comment in the chat: “I would replace ‘next round’ with ‘subsequent procedures.’” That's also a similar suggestion. So those are the two comments we received relating to supporting both with a possible change. Then I'm wondering, Maureen, if you want to speak to the comment you made on the list earlier today.

MAUREEN HILYARD:

Thank you. Thank you, Julie. The comment in the chat, in the e-mail was based on a discussion that I had at ICANN78. We were talking about .kids. Of course, I suppose you realize that I'm actually on the Board of .asia. So .kids is regularly reported on at our meetings. When I was reading through the current guidance, and it says that one of the indicators would be its performance, basically, after three years, I didn't think that that goes as a definite, like three years from when. Because especially in light of .asia, which actually wasn't in the discussion that we had, I was having actually with the Edmon, he was saying that... I mean, .kids actually wasn't delegated into the root until April 2022. And then Sunrise was in August, and it didn't get launched until November 2022. So I'm still thinking, if it took 10 years to actually get delegated to the root, this actually is completely beyond the three-year timeframe, which the guidance has given. And I just wanted, first of all, some clarification about that. Because it does explain that, for example, when .kids was first applied for, apparently, .asia had been working with the Kids Foundation and they were establishing themselves. So it took them quite a while to get themselves to get their whole organization in place and ready for a launch of their domain. But it's just that if it takes that long, it's beyond the three years. So we need to clarify three years from when, probably three years from the launch, or three years—I don't know. So that was the first point, anyway.

MIKE SILBER:

Sorry to interject there but, Maureen, aren't we getting in to too much implementation detail?

MAUREEN HILYARD: We probably are. It's just that I felt that there does need to be some clarification, if we're providing some guidance as to a timeframe. We should actually at least be able to specify the three-year thing so that people don't expect.

MIKE SILBER: Yes, I would think that, as Rubens has suggested from delegation, it would seem to be implied.

MAUREEN HILYARD: It is implied but I'm just going by the .kids thing.

MIKE SILBER: Let's be specific. But ultimately, this is an implementation issue. I really think we're getting into implementation.

MAUREEN HILYARD: Okay. I accept that. It actually pointed out that. For me, personally, I think it does need clarification and probably more so in the implementation if that's what's going to happen. As long as it's clear somewhere.

MIKE SILBER: Yeah. There's already debate in the meeting chat as to whether it should be from delegation or it should be from contract signature. I

really am not sure that we add much to the discussion as to what the exact date should be. We're telling Council that we think that there should be a measure and that we've suggested three years, and it's up to staff to now go and work out how they're going to test that. And if staff come back and say, signature or delegation or whatever it is, because they're going to be measuring, then they the need to put that in place.

JULIE HEDLUND: Thanks, Maureen. Mike, I just note that Ros has her hand up.

ROSALIND KENNYBIRCH: Hi. Sorry. Can you all hear me okay?

JULIE HEDLUND: Just fine, Ros.

ROSALIND KENNYBIRCH: Great, fantastic. I was just going to come in here to say, I mean, I take the point about not getting into too deep, too detailed of semantics here for the recommendation. But then perhaps we could add a point in rationale at least that just sort of clarifies maybe the trajectory. Because I think Maureen's raising an important nuance, particularly in the context of continued support required after time. So yeah, I just wonder. I understand not overspecifying from an implementation perspective. But I'm just wondering if there's a way to capture the

nuance and rationale that Maureen's pointed out, because I think it's a really good point. Thanks.

JULIE HEDLUND: Sorry, I was muted. Thanks, Ros. That's an interesting point. We could certainly add that to the rationale. We would indeed, anyway, because we're having this discussion, and it should be reflected at least in the deliberations. I see Tom's mic is open. Tom, did you want to make a comment?

TOM BARRETT: No. I'm sorry about that. That was accidental. But I certainly agree with Maureen and Ros that we should flag it as something that needs to be specified in implementation.

JULIE HEDLUND: Would people be satisfied if this was called out as part of the deliberations in the rationale? Just to clarify that we're speaking from delegation with respect to this—

MAUREEN HILYARD: Certainly, Julie. Make sure that it is somewhere.

JULIE HEDLUND: Thank you, Maureen. Did you want to speak to your point that was in the e-mail?

MAUREEN HILYARD: Well, I guess it's really just extra clarifications. I think, as you say, they're probably more in the implementation thing, but I think that some of the barriers to speeding up the process after a domain has been delegated, these are issues that, again, probably part of implementation. But if they can at least be flagged that we raised these issues for implementation, if that's possible. Thanks.

JULIE HEDLUND: Certainly, we can do that. I noted that you had suggested merging a textual change with the suggestion ICANN Org had, merging the two to say, "Investigate whether and to the extent to which..." Let me just go to the rest of that.

MAUREEN HILYARD: I thought merging the two because it would be—it's not just whether but or, just leaving it as "to the extent which," but whether initiates the looking at the timeframe. Or the conditions under which it's actually being on what phase it's in, what sort of support it's got, etc., etc., or had.

JULIE HEDLUND: I see. Lawrence, please.

LAWRENCE OLAWALE-ROBERTS: Thanks, Julie.

JULIE HEDLUND: Lawrence, it's just breaking up for me. I don't know if that's true for anybody else. Anyone else?

UNIDENTIFIED FEMALE: Same here, Lawrence.

LAWRENCE OLAWALE-ROBERTS: Okay. Is it any better?

JULIE HEDLUND: Yes, it is.

LAWRENCE OLAWALE-ROBERTS: Okay. Two things why I raised my hand. I read Rubens's comment and I feel that possibly we could shed some more light by help with this question in terms of the understanding that a delegated TLD might eventually not [inaudible]. It is my thinking that if a TLD gets to the point of being delegated, that means all the contracts are placed and [inaudible] signed on. The action should be on the registry operator. But if there are some other experience that holds to be significant, I think it'd be nice to hear that so it can help the context.

Secondly, it's going to cost some funds. However, it will be too much for ICANN to evaluate the status of the different TLDs that will receive in three years to get launched. And based on the information that Maureen shared, I feel it might be a better use of those funds if the

timeframe is pushed back to a point where we're sure that even if ICANN is going to commit resources to find out the level of success or thereabout for the delegated TLDs, it will be a worthwhile in terms of cost. So if it will require an extension to the timeframe of three years, I think we should look at this dispassionate adjustment.

MIKE SILBER:

We went through a fair amount of discussion. I'm willing to now on the fly change that. What I think might be useful is to say three years and periodically thereafter, because you're right. Even unsupported applicants may drop. They may choose never to launch them and launch and then fail. We've seen all sorts of incidents in the current, in the latest round, as well as in previous rounds. So I don't want us now start playing with numbers. Why don't we say leave the three years and then just say "and periodically thereafter"? Then Org can determine what appropriate timing is so that they can keep a running tally. And I would say one of the things that might be useful—and Org can look at this—is in comparison with unsupported applicants. Supported applicants, maybe there's only a 50% hit rate, but it's better than the unsupported applicants who have a 35% hit rate.

So I think the point is well taken, but I don't want to start being too specific. We discussed and agreed three years. So does that make sense, to just say periodically thereafter, and leave it to Org to see how they're going to measure? And then maybe add in also the possibility of comparative to non-supported applicants. I see Lawrence is supporting it. I don't know if that makes sense to others.

JULIE HEDLUND: Thank you, Mike. I saw—it's gone down. I saw a hand from Ros.

ROSALIND KENNYBIRCH: Yeah, that's fine. I was just going to let others come in to comment on that. But I was just going to make the quick point that I attended one of the Implementation Review Team meetings at ICANN78. Just to say that they were looking for a lot of guidance on matters that were that sort of blurry line between policy and implementation. So I think it's just worth bearing in mind, too, that I think at least the sense that I got from that meeting was that they wouldn't mind having some extra clarity here.

I'll have others come in to go back on Mike's specific point. But one other quick question was just on recommendation 5. I noticed we started with Recommendation 6. Is the plan to go back to Recommendation 5 later in this call or in a future call? Just curious. Thanks.

JULIE HEDLUND: Thanks, Ros. It was our sense that the discussion was complete on Recommendation 5, but also to note that we're doing more than one pass on all the recommendations. So we're doing a first pass. And once we've completed the first pass, we'll go back, particularly to address any substantive suggested changes. So we certainly can revisit 5. But staff had thought that we had moved on to or we're ready to move on to Recommendation 6 after the discussion at ICANN78.

MIKE SILBER: Yeah, that was my thought and my feeling as well. But yeah, let's push through 6. And as Julie says, we're going to go back to everything.

JULIE HEDLUND: Thank you, Mike. Yes. We'll continue on through 6, continue through the rest of the recommendations, and then that will not be the last word on the recommendations. We will circle back. Thanks for that question, Ros. Back to Recommendation 6, we also have the ICANN Org's suggestion about including language referencing the next round.

MIKE SILBER: I think that's agreed. Paul and Rubens made the suggestion that instead of next round, maybe it should be sub pro. I'm agnostic as to that.

JULIE HEDLUND: Subsequent procedures or future rounds?

MIKE SILBER: Yes.

JULIE HEDLUND: Very good. So it seems like there's general support for the suggestion of adding periodic review and—

MIKE SILBER: Comparative review.

JULIE HEDLUND: Exactly. Any other comments on Recommendation 6?

MIKE SILBER: I'm not seeing anything. I think we can move on to 7.

JULIE HEDLUND: Excellent. All right. Again, we had a lot of good support. We had seven of eight respondents supporting. We had the GAC supporting as written, but did include a substantive comment, which we're going to look at along with the NCSG comment.

The Org comment notes that Recommendation 7, 8, and 9 might be considered contradictory. So it might be helpful to suggest the recommendations be interpreted as interdependent, if that is the case. Then notes also inconsistency with the language in respect of the IDNs EPDP.

The GAC supports as written, but wonders whether a prioritization exercise would be worthwhile. But we'll note that the GGP specifically focus on equality intentionally because it was difficult to establish the priorities of the program, and also concerns about whether an exercise of prioritization would be in scope.

Then NCSG suggests a change in intent and wording.

MIKE SILBER: Sorry, Julie. It might be useful for you to scroll a bit.

JULIE HEDLUND: I'm sorry?

MIKE SILBER: I said it might be useful to scroll a bit if people are not running that on different screens.

JULIE HEDLUND: Yes, I will do that. I'll see if I can make this larger view, too.

MIKE SILBER: It looks good to me.

JULIE HEDLUND: Yeah, okay. Here you see the Org comment and the NCSG comment. Let me just pause for a minute and see if people want to pull out any details. We can open up for discussion.

MIKE SILBER: Yeah. This is something that concerns me a little bit in terms of the NCSG comment. I'll go back to our heated debates on earlier recommendations in terms of whether we're including or excluding commercial entities. I really don't want to get into a debate because I think we're just going to get deadlocked if we've now got this working group try and come up with a prioritization. That's my concern is we can just fail to meet deadline if we have to now get into that. I think that

part of the reason why we went the way we did, and maybe it was a bit of a cop out. But I think it's the only way that is actually feasible in the current circumstance. I don't know what others think. I see Ros has put her hand up.

ROSALIND KENNYBIRCH: Just to say I agree, Mike, and I think mainly because I think it's sort of the wrong scenario almost to ask about. As we noted in our recommendation, 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. I think only if it becomes clear that that absolutely can't be met should details of that nature even be that borne out.

There are some programs ICANN's provided that are 13 million. There's 2 million allocated to Applicant Support. I think there's probably a wider conversation to be had, to be honest, about the impact of inflation and whether the funds should in that context be expanded beyond 2 million. So I agree, I don't think a good use of our time or focus would be dealing again with the semantics of what happens if there's not enough funding for everyone. In my opinion, the bigger picture question is, how can we make more funding available in such a case? Thanks.

MIKE SILBER: Yes, good points. I see Maureen, your hand is up.

MAUREEN HILYARD: Thank you. I guess following on from what Ros has just said, we're not going to be able to get more funding. I think too that we should be—I think I raised that in my little chat, in my e-mail—looking at other forms of support. I mean, pro bono is the only thing that's offered, but I was also going back to the .asia support for the .kids, widening the realm of support that we could be encouraging other bigger, established organizations from taking on some of this. It's probably not needed in this particular instance, but if it's not going to be possible to get further funding from ICANN Org or wherever, that we could be perhaps looking at probably an earlier thing that when we do our rerun through the recommendations to be able to put in other ways of supporting applicants.

MIKE SILBER: Yeah, Maureen, I hear you. At the same time, other ways of supporting applicants is not an ICANN responsibility. ICANN can facilitate but—

MAUREEN HILYARD: That's what I'm saying. Yeah. It's recommending. Making a recommendation, perhaps, and encouraging support from organizations other than the pro bono type support that they're actually offering.

MIKE SILBER: Yeah. I'm not sure that that's ICANN's role.

MAUREEN HILYARD: Okay.

MIKE SILBER: Thoughts getting us into conflicts in terms of is ICANN twisting the arms of existing registries. I don't know. Let's think about it. It's useful if money runs short to find other ways. The one comment might be interested in having this debate with ICANN Org. Because my understanding of our thinking was that we would set a minimum threshold where we felt that it could be provided to any number of successful applicants. And people would know very quickly, "This is the minimum level of support you're going to get." And then as the number of qualified applicants becomes clearer, then it would become clearer if there's any additional support that may be available because there are 10 supported applicants rather than 30. That was, at least, my thinking. I don't know if that would address the concern from ICANN Org in terms of this potential conflict between the different recommendations.

JULIE HEDLUND: Thank you, Mike. Thank you, Ros.

MIKE SILBER: I see Org have said that we must indicate that they're to be interpreted as interdependent. Is that going to be adequate?

JULIE HEDLUND: We can certainly bring out the issue of interdependence in the deliberations and also clarify it in rationale, if that might be an acceptable approach. I'm seeing also a thumbs up from Steve. I don't know if that's in response. And to address Ros's question in the chat

about Recommendation 5, Mike, would you be amenable to going back to Recommendation 5 today?

MIKE SILBER: Yeah.

JULIE HEDLUND: I'm sorry. Go ahead.

MIKE SILBER: Yeah, I'm happy. If Ross is feeling that the GAC wasn't adequately heard, and it's possible that in the rush to finish the previous call, we didn't address it adequately, I'm more than happy to get back to that.

JULIE HEDLUND: Thank you. So, one thing I would note about the suggestion of prioritization is that it was discussed by the working group. And the working group took the approach that the tasks will be grouped by life cycle elements, as opposed to trying to attempt to do prioritization, either within the tasks or outside of them. So the working group did make a conscious decision not to attempt prioritization. I think that would be an important point to raise again in these deliberations. And also the problem that they're problematic aspects to try and to attempt even a rough grouping is NCSG suggestion. Does anybody have any comments? Most importantly, the suggested changes, wording change from ICANN Org and suggested change from NCSG. Lawrence, please.

LAWRENCE OLAWALE-ROBERTS: Thank you. I've had this confusion for a while. And while this might have a direct impact to NCSG, how it should go ... By way, I [inaudible]. We talked about [inaudible]. But I keep finding myself coming back to this question I put in the chat and get a response to, which is who in ICANN Learn has a responsibility to determine what is going to be allocated for Applicant Support in the next round? I asked this question again. I've asked this in the past. I'm asking this again because I constantly get the feedback that our work here is supposed to guide staff with what is expected to be budgeted for Applicant Support. Previously, when I raised this, I was told that it is out of our scope. But I just want to hear from staff, and possibly leadership, to give an idea of where we should expect the budget for Applicant Support for the next round to be determined.

JULIE HEDLUND: Thank you, Lawrence. I think that this question has been asked certainly in the preparation of the Initial Report. It was determined that the budget is out of scope for this working group, it's not one of the tasks of this working group. And it's certainly for the ICANN Org to determine the budget, and it has been suggested, as the budget has been suggested. So I don't think that the Org is looking for guidance in this respect.

MIKE SILBER: The other thing, too, I would add to that is we're here to provide guidance to Council, not to ICANN Org. Council will use that in terms of

sub pro, as well as in the policy development process. So I think we just need to recognize that we're not being asked for guidance by Org. I think there's a misunderstanding if there is that perception. I see Steve's hand is up. So maybe, Steve, you want to jump in.

STEVE CHAN:

Thanks, Mike. Definitely not to disagree that this question is probably out of scope, but what I did want to do is just try to provide some quick context about where the answer would come from. So again, reiterating not in scope for us to determine, but if I recall, there is a recommendation from SubPro. It was adopted already by the Board. And so it's a part of the implementation. One of the requirements is for the ICANN Org Implementation Review Team to establish a funding plan for the ASP program. So as one of the components of that funding plan, it will be indeed to determine what funding is necessary to adequately fund the program overall. So hopefully that helps. Thanks.

JULIE HEDLUND:

Very helpful. Thank you, Steve. Lawrence?

LAWRENCE OLAWALE-ROBERTS:

Yes, thank you very much. So this definitely does help with some better context. And based on the response provided, I believe that in line with what we have, what was the earliest mission, I believe ICANN should—I want to believe the ICANN will make the best effort to ensure that enough is required for the program. Where, for some reasons, we have some very, very remarkable success that goes beyond the threshold

that will be provided. I'm sure that a special purpose vehicle, which is the grant program, could be asked, for instance, to match whatever is required to some extent. I don't know if it will be helpful if that goes into recommendation, but hoping that at the end of the day, we wouldn't have this issue because the proper funding will be allocated. Thank you.

JULIE HEDLUND:

Thank you, Lawrence. I just want to note, we do have a Guidance Recommendation relating to this, number three, which is that the Applicant Support Program has the necessary resources to achieve its goals. So while not specifically relating to budget, it could certainly encompass the issue of budget as it relates to resources. I don't know that we have sufficient justification to craft a wholly new recommendation at this point in the process. I note while he was fading in and out. Thank you.

Any further thoughts on 6? We can certainly capture these discussions in our deliberations. But I'm not hearing any agreement.

MIKE SILBER:

No, I don't think there's any disagreement. I think we've got a way forward.

JULIE HEDLUND:

Thank you. I'm sorry. I meant 7.

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- MIKE SILBER: Yes, 7.
- JULIE HEDLUND: Yes, of course. So at this rate, do you want to circle back to Recommendation 5 and the GAC comment?
- MIKE SILBER: Let's go back to the GAC comment on Rec 5. I think it's worthwhile. Let's see and check if we did give it adequate attention in our last meeting. Let's consider that, and then we can get on to 8 when we're done.
- JULIE HEDLUND: Thank you. Are people seeing Recommendation 5 on the screen? Do I need to stop sharing and share again?
- MIKE SILBER: No, 5 is up. And the GAC comment is up.
- JULIE HEDLUND: Excellent. Ros, please.
- ROSALIND KENNYBIRCH: Great. Thanks so much. Yeah. And just to say I did check back in my notes, I'm not sure we did get to this comment. But in any case, thank you so much for being flexible and making the time. Essentially, I just think this is one of the most important recommendations, in that we are
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talking about what success would really look like practically in terms of how many number of applications are supported through this program.

I will say when I started working on this working group, I thought, well, an improvement from one successful application to 10 successful sounds great, etc. But as I've tested this with the wider GAC, but also across the community, I've really come to see the purpose behind this second subsequent procedures round, this next application round for new gTLDs. And I've learned a lot, and I've learned that a lot of the initiative that came from making the second round was actually for it to be a remedial round. The whole point of it was to increase geographic diversity in the New gTLD Application Program. I have a serious concern that 10 successful applications, looking at that as a proportion goes nowhere near achieving what was supposed to be the original intent of this second round. And testing this recommendation across the GAC community, country, developing countries, underserved regions, etc., this does not go far enough at all to do that, and I think rightfully so, again, now with the history of this in mind.

So I really think we need to look at being more ambitious. Because if there are complaints, again, I think rightfully so from these countries that countries from the Global North, they'll have the vast majority, and we've only got 10 successful ones through this program. That's on us because we recommended and said that was okay as a level of success. So I just think with this wider context that's come through, it's really important to look at this. I would suggest perhaps at least doubling it to 20 successful applications. I'm going by the corresponding numbers here. But yeah, just a really impassioned plea there, really. Thanks.

JULIE HEDLUND: Thank you, Ros. I see Maureen has target in this context. Set a maximum and minimum number.

MIKE SILBER: Well, I don't think it's either. It's a number in terms of what we're looking at in terms of what could be considered success. Ros, if I can respond to your very impassioned plea with an anecdote from the previous round. And that is a company that happens to come from the Global South, a company that happens to be headquartered in my particular country, a very successful pay television operator that applied for a number of strings and has not bothered to proceed to delegation with any of them, and they accounted for a significant number. I raised that anecdote for one reason, and that is to remind you that ultimately running a registry is running a business. And a registry actually needs registrants who are interested in registering names within the registry in order to be successful. We're looking at ways to help potential applicants who may not have a profit motive and deep-pocketed venture capitalists and who want to get into that business. But ultimately, they need interested applicants or interested registrants who want to register. And if you look at ccTLDs in the Global South and the number of ccTLDs, you would think of a captive market and a number of them that are sitting with a few hundred or a few thousand registrations within the ccTLD. It makes me question whether having 10 or 20 or 50 is the right number. Or rather, we're looking at communities who actually are going to make use of this and who are going to see benefit from a TLD, rather than trying to find some sort of geographic

justice in all of that. Because ultimately, ccTLDs are that geographic justice you're talking about. But I'm monopolizing the conversation. I see Lawrence's hand.

LAWRENCE OLAWALE-ROBERTS: Thank you, Chair. I want to piggyback on the scenario you just tried because it's very apt. So in the case of the company you talked about, I'm sure that if to a large extent, yes, they didn't delegate, I think they had about five different applications going through. And I wonder if they had the knowledge that they could apply through or if they qualified for Applicant Support, I'm sure they will have made very good savings from the applications that they put in that could be plowed back into their registry operations at the end of the day. So I believe that very much this is—

MIKE SILBER: Lawrence, sorry. People, if you don't know, I'm not sure that MultiChoice was interested in running a registry. If you look at the names, it was largely a brand protection exercise. So yeah, I don't think that's really a convincing argument. But sorry. I raised the example of— apologies.

LAWRENCE OLAWALE-ROBERTS: No, no, it's okay. Like I say, I believe to a large extent that probably they have a notion that they will not qualify for Applicant Support. Otherwise, I'm sure that they will have made some good savings of the application fees which could have been plowed into the operations at

the end of the day. This is one of the, I think, merits of the ground that we are stepping into in the sense of where we are able to let people know that there is Applicant Support available and they are able to plow into this, they might be saving some funds that could, at the end of the day, be invested into the operations of the registry. And we could end up having more success over the last rounds.

While 10 is a good number compared to one in the previous round some 10 years ago, it is my belief also that's where we are able to put all we've been discussing into practice, and really do some good work in terms of outreach, we should have very good applications coming in and should strive to see if we can expand the baskets to accommodate a few more. If we fall below that, we know that at least we made a good effort to have much more numbers accommodated in this forthcoming round. Thank you.

JULIE HEDLUND: Thank you, Lawrence. Mike, we have a few comments in the chat, if I might read them out.

MIKE SILBER: Please.

JULIE HEDLUND: We have a comment from Reubens Kuhl that "A gTLD is not a proxy for success in the domain field. Actually, countries with few gTLD registries and 0 gTLD registrars can have a successful namespace."

Then we have Maureen's comment, "Therefore, although we have set 0.05% as a target then we could still have 20 applicants who might qualify for support?" It's a question.

And Ros, "For context, SubPro IRT stated the following at ICANN78. Results from their survey indicate that a lot more successful applications can be supported—in the hundreds. I really think we can be more ambitious here."

Then Rafik says, "I think that was survey for those who might provide support and how they cannot... any indication how many requests for it."

Mike has said, "My understanding too." Those are the comments in chat.

MIKE SILBER: Julie, I'd like to go back to Maureen's comment.

JULIE HEDLUND: Please do.

MIKE SILBER: The fact that we put both a percentage and a number was to deal with a situation where there are a large number of applicants, we wouldn't want to put a very low number. But we also didn't want to start creating an unrealistic number if there wasn't a huge groundswell of applicants. I think from what I'm hearing, for example, some people in the .brand

space are saying that there is going to be a massive groundswell of brands. And others, I'm hearing saying that after the inordinate lack of success in many of the .brand applications, there may not be a massive number of applications. So I think we've tried to cover our bases by putting a percentage and a minimum number. Maureen's correct. It may be well more than 20 if the number of applicants is there.

JULIE HEDLUND:

Thank you, Mike. Ros, please.

ROSALIND KENNYBIRCH:

I agree. We don't know exactly, of course, how many applications will be submitted as part of this round. But regardless, the data we do have is how many were submitted last round and how many were submitted by Global North regions in the last round and were successful, and how many applications from the Global South were submitted and weren't as successful. Again, if we're going back to the point and the basis for this round, again, it was supposed to be a remedial round originally. Then even the playing field just a bit, in comparison to the last round, we would be looking at hundreds, frankly. I appreciate that there's a level of compromise here, which is why I have an outright proposed going to that number. But I do think there's a clear rationale based on that survey of what providers are prepared to support of getting quite close to that number. Again, I'm happy to discuss as a group. But I just think, again, we're not just looking of, "We don't know how many are going to apply for this round." We do have the data from last round and we do have the data of how many of those applications that were

successful and running today were overwhelmingly from the Global North.

JULIE HEDLUND: Thank you, Ros.

MIKE SILBER: Ros, just going back to your point about the survey. That survey was of potential pro bono providers and how many applicants that could support, it was not how many people would want support. If we're simply providing support in the form of matching an interested applicant with potential pro bono support, then yes, the numbers could be very high. But we've heard Lawrence as well.

The next question is what fee break are we going to get? What's the financial impact? And then budget starts coming in. And I'm very hesitant to start putting numbers down because it then gets us into a situation which is out of scope, which is telling the IRT what the budget needs to be.

JULIE HEDLUND: Thank you, Mike. Another question to consider is if we put 20 in as a number and we don't reach 20, is that then a failure? Or if we put 10 in and we exceed that—I mean, there's nothing to say we couldn't, at least as far as the guidance of writing couldn't exceed that number—we might say that that will be a limit in that respect. I see Ros has a comment in chat.

MIKE SILBER:

The sense that I'm getting is the GAC wants us to be ambitious. And maybe the way to try and square the circle is to recognize that we think 0.5% would be an indicator of success. But then maybe we should also reference a stretch target. That if we could get to 1%, that would be an indicator of amazing success. Let's find the right term. Let's, by all means, put a stretch target. But what I don't want is a situation where if the program doesn't reach the stretch target, then it's deemed to failure. We're trying to create a feasible reasonable target that can be budgeted against and that we think is achievable. But by all means, let's put a stretch target in there. If we can find the right language that doesn't bind us and that doesn't create a stick to beat Org or the program later on if we don't manage to get to the stretch target.

JULIE HEDLUND:

Thank you, Mike. I think that maybe addresses the concern that Paul has raised in chat about whether if we put in 20 and we hit 19, that could be deemed a failure. But if we reflect this as a stretch target, then we could still put it out there for a goal without necessarily indicating that if we don't reach that goal, it's a failure. Ros, interested in your thoughts on that.

ROSALIND KENNYBIRCH:

I think it's an interesting proposal, Julie. I'm actually just writing in the chat now some suggested language that could be used as a stretch target. So if you give me one minute, I'll propose that in the chat.

JULIE HEDLUND: Thanks, Ros. Take as much time as you need.

MIKE SILBER: We will come back to this. If you put it in chat now, if you put it on mail later, that's fine. But if you think that we can address the GAC's concern by referencing some sort of stretch target, I think that might be a good way to recognize the concern that is raised without creating a rod to beat the program with if it's not achieved. Maybe we've been under ambitious, but I prefer to hit targets rather than miss them. But by all means, let's see if we can find the right language to suggest that exceeding that minimum would be a good thing, not an unnecessary additional effort.

JULIE HEDLUND: Thank you, Mike. Any further comments on this? We'll look for that language from Ros. Let's move along to Recommendation 8.

With this recommendation, we had all respondents supporting the recommendation. NCSG, support as written, that links back to their comment on Recommendation 7.

The GAC, support as written with suggested wording change. A transparent plan and consultation with the community if funding drops below that level.

Then ICANN Org had three points. First is about the scenario where the recommendation just tasks ICANN Org to develop a plan if the number

of ASP applicants exceeds the minimum level. But should we consider providing something more? Something like a cut-off point, as opposed to just basically if we exceed the minimum level of support. Then there are two technical comments.

Let me go specifically and scroll through, though you can see them all there. Let me just go ahead and pause there and open things up for comment. Any comments? Steve?

STEVE CHAN:

Thanks, Julie. I don't see any of my work colleagues from GDS. I'll try to expand a little bit on their first comment which is potentially a gap in our recommendations. The purpose of this recommendation is that there's an intention to establish a minimum level of funding. But there is a case where the program is so successful that you now have too many applicants or even a minimum level of support. What is not accounted for here is what do you do in that case? I guess that's also presuming that additional funds may have been provided or they may not have been. But even in that case, it still exceeds the minimum level of funding that this group wants to provide. I believe that the intention of this comment from Org is trying to account for that potential gap in the recommendations. Even if there's a minimum level of funding, there are some unsuccessful applicants, what is done in that instance? Thanks.

JULIE HEDLUND:

Thanks, Steve. That's really helpful. Paul, please.

PAUL MCGRADY:

Thanks, Julie. I'm getting some feedback. Hold on. Maybe I fixed it. Sorry about my technical problems today, guys. It's unbelievable.

I think I am doing an iteration of what—I raised my hand to say what Steve did to a certain extent, which is if we're setting target goals of—I saw in the chat 135 applications, 175 to 315. When you divide that number by the dollars that the Board is talking about, at some point, the applicant support needs to be meaningful or else it's not worth doing. Has the Board raised the number? Have they confirmed they've raised the number from the last round? If so, how much? But if they've not confirmed they've raised the number, then I don't know how we pick an arbitrary number. I think that it makes sense. Again, I'm not trying to put my thumb on the scale. But I am trying to figure out how the Board will react to things. And the Board reacts negatively when things are too prescriptive. So I think that what we're really talking about are those percentages, right? Because that would scale with the program. And presumably, if the program is wildly successful, the Board may have more application fees and therefore can support more people. I'm hesitant about arbitrary numbers, not only because we don't know how much money the Board's really finalized to set aside unless we do, and I apologize for not knowing that.

But also, we don't want to set an arbitrary target that's so high that even if we're wildly successful, say we have 100 applicants, it's not the numbers that are in chat. So then ICANN can do a wonderful job and then be declared a failure anyways. I don't think that's great for multistakeholder model. I just wanted us to be really careful about not

making the Board feel set up like they're going to fail or sending the Board something that's so prescriptive that they have no choice but to reject it as being too prescriptive and not giving them the breathing room they need to exercise their own business segment. Thanks.

JULIE HEDLUND: Thanks, Paul. Very helpful comment.

MIKE SILBER: I think it's a valid comment, and it certainly raises a significant risk by starting to put numbers in there. I think 10 is something that we can certainly tell Org, or tell Council and Council can go to Org through the IRT and say, "This is a number to aim it." But my view in terms of that is that we can turn around and say that just because we reach the 0.5 or we reach the 10, that shouldn't let us feel comfortable and good about ourselves that Org should work towards establishing stretch targets that could be achieved and the possibility of bringing new applicants in. But we've got it tempered with Rec 8, which is we need to work out what is or we need to recommend to Org that they work out what is a minimum support to be useful.

That's where the rubber is going to hit the road, because Lawrence raised this before. If you're wanting to set up a registry and you've got some nice people who are willing to help you, that's fantastic. But you're going to want to know what the financial impact is because you don't have sufficient external or internal funding to get your registry up and running. And my concern is we've got to see all of these as intellect. Lawrence, I see your hand is up.

JULIE HEDLUND:

Lawrence, you might be on mute.

LAWRENCE OLAWALE-ROBERTS: All right. Thank you. On the lighter note, Paul, I think I agree that definitely we should have some numbers that we are tracking. My thinking has always been that the figure 10 was a minimum, which we could go over. But we wouldn't want to achieve anything less than that. What I hear now seems to be quite different to that extent. I also feel that a number crossing over 100 will be too high to propose as a target. So maybe somewhere in between could be a very good point to look at, 25 and maybe 40. If we can't, that will be very, very hard anyway, so maybe 25.

But one thing that comes to mind is we shouldn't also forget that we have talked about applicants being told early in the process, for those who submit their applications early in the process, being given some kind of hint or feedback as to the success of the application. And I'm sure that that should also follow with some idea of what they might be getting in terms of rebates if that is also applicable. I mean, while I'm up for the fact that everyone who qualifies for Applicant Support at the end of the day actually get supported, especially if the request for financial rebates or reduction in fee, I definitely would want to see a situation where everyone who qualifies is supported, rather than having some process that will kick some out and keep some supported. It could be bad for the image of ICANN on the long run.

So to this cost, if there are applicants that will be informed about the status of their application earlier, because they have put in the work to put in a good application, it will mean that the level of support needs to be determined, even where we don't have a good picture of the entire number of people who will be successful to receive Applicant Support at the end of the day. This, to me, is the big challenge that I think needs to be ironed out. How do we go about that? So yes, there is the possibility of having a lot of making a good success out of this, that we have far more applications than is expected if at the end of the day—and again, please let's also don't forget that unlike the previous round, in this round, where you do not pass for support, you can still go ahead in the application process and find your own fronts to support your application. So that could also be another incentive to have a number of people who might naturally not have considered the Applicant Support Program looking in this direction.

In terms of numbers, I think we should be looking at somewhere around 20, 25. I'm thinking of maybe as target process wherein for those who apply early, a percentage of what is determined for Applicant Support can be allocated to them, and then maybe the next tier, and then the final tier. Such that based on the work you put in and the period of application, that could determine what you get. Otherwise, we might still have to revert into the end of the entire Applicant Support Program before funds are now allocated to the [inaudible].

JULIE HEDLUND:

Thank you, Lawrence. We'll just note that from a staff point of view, there is some concern about the specific numbers in the suggestion

you've made, Ros, in your text. We have a number of applications, we have a percentage, and we have the stretch target which is successfully delegated gTLD applications. We don't know that there's a justification for that number. Could we instead say no fewer than—

MIKE SILBER: Julie, I see Ros's hand is up. Maybe we let Ros respond.

JULIE HEDLUND: Go ahead, Ros. Sorry.

ROSALIND KENNYBIRCH: Thanks, everyone. Again, we already have a specific number in there saying no fewer than 10. So I don't know how a stretch target, especially when that's something aspirational, it's not holding ICANN's feet to the fire on a specific number, because by definition, it's saying stretch. It hurts that if we've already proposed an exact number, no fewer. Perhaps ideally 50 or more is a compromise? Listening to feedback here, that lowers it from what was cited in the IRT. But I think would go a significant way towards addressing concerns about ambition in the GAC.

MIKE SILBER: Ros, to start with, I think, I've got to say this again because I've repeated it in the chat and you keep raising it. The numbers from the survey indicate people who are willing to provide pro bono support in the number of applicants who could be assisted by them. It has nothing to

do with budget. Lawrence and Paul had raised very important and meaningful considerations around budget.

So the only thing I think we can do is to say the GAC would like to see a stretch target of a minimum of 50, and I think that's the closest we're going to get. Because if you feel that we need to put a number to a stretch target and that number is getting to a minimum of 50 as a stretch target, which is five times more than what we considered and debated and discussed as a minimum target, then I think we're very far apart and I think we've just got to accept that in the discussion, we're going to say that the GAC says we must be more ambitious and they think that a minimum of 50 would be a better number, and I think we leave it at that. I'm not sure we're going to get to some approximation of consensus. I know, we don't need consensus. But I need to see more support, rather than just from the GAC. In which case, it's going to just be a discussion item. Ros, you wanted to respond?

ROSALIND KENNYBIRCH: Yes. Just to respond, in that case, if we aren't moving away from a specific target, I think we need to quote that one of the objectives of the New gTLD Program was to open up the top level of the Internet namespace to foster diversity, encourage competition, and enhance the utility of the DNS. I mean, I'm making these comments with the GAC's view on this because that was the original intent, and I think we need to look at how that can be achieved. 50 applications could go a long way towards that. I think it's already a compromise to say okay as an aspirational target. I don't think people understand that an aspiration is aspirational and we're still keeping the "no fewer than 10" language. I

guess I don't understand necessarily the uncomfortability. I do feel like we're hitting a brick wall a bit. But I think at least just a sentence saying that this should not prevent an aspirational target that serves to go a significant way towards diversification of the New gTLD Application Program.

MIKE SILBER:

Well, let's see if there's any other support for that approach.

JULIE HEDLUND:

Mike, we might suggest including that language in the rationale and deliberations.

MIKE SILBER:

Julie, definitely, we need to include that language. I'm just wanting to see if we've got any support for actually including it in the Rec. We definitely have to capture it. I think Ros has raised some very passionate points and they're well understood. I just think that it's not practical and I don't want to be the only one who's commenting. So if there's any other views, I think we've had views from Paul and Lawrence, which while there were more towards Rec 8, they did touch on the Rec 5 number as well. I see Rubens in the chat has said, "No support."

So I think we need to capture that. I think Ros's points are well taken, but I don't think that we've got sufficient support to consider changing Rec 5. I do think that we may want to consider language which references the possibility of a stretch target but without having specific numbers. Then we capture the GAC comment as well as the additional

feedback from Ros in terms of the objective of the program overall and how the Applicant Support Program can potentially impact that as well.

JULIE HEDLUND: Thank you, Mike.

MIKE SILBER: Can we move back to Rec 8 because we must be running the two in parallel?

JULIE HEDLUND: Yes. We're back at 8. That should be on your screen. And we do have also some additional text from Ros in the chat to note to your question, Tom.

MIKE SILBER: We're going back to Rec 5. I think let's capture it. Let's put it in Rec 5 and let's move back to 8.

JULIE HEDLUND: We'll do, Mike. So here's Rec 8. We note the comment in particular from ICANN Org which is in recommendation of a wording change.

MIKE SILBER: We've had Lawrence talk to this as well.

JULIE HEDLUND: Any further comments on this? Then Lawrence's comment?

MIKE SILBER: Because we're coming to the end of time or we've created confusion, because we seem to be going back to Rec 5 in the chat when we're trying to move on with Rec 8.

JULIE HEDLUND: Mike, I think there is some confusion. We have just five minutes. Might I suggest that we pick up again on 8 and 9 on the next call, and then circle back? Then we might actually be able to finish on the next topic.

MIKE SILBER: I think that's an excellent suggestion, Julie, because I think we're being a little circular at the moment. Thank you. We will give people four minutes of their time back unless there are any final comments that people want to make.

JULIE HEDLUND: I'm not seeing any hands raised.

MIKE SILBER: Seeing no hands or additional comments in the chat, we'll give you back three and a bit minutes of your time. Thank you, everybody. I think we can stop the recording.

JULIE HEDLUND: Thank you, Mike. Thank you all. Thanks, Mike, for very ably chairing us through this meeting. And thank you all for joining.

[END OF TRANSCRIPTION]