

## Additional ASP-IRT comments on draft ASP Handbook (prior to publishing [version 2 on the ASP website](#))

**Background Context:** Following public comment on the draft ASP Handbook, the ASP Project Team worked with the ASP-IRT sub-track to review public comments received, considerations in relation to those comments, and the proposed ICANN org changes to the ASP Handbook. Following ASP-IRT [Meetings #17-19](#), ICANN org shared the redline and clean updated version of the draft ASP Handbook on-list to see if there were any further questions or comments from the ASP-IRT sub-track.

The table below synthesizes the additional comments received as well as ICANN org’s response/action. In addition, ICANN org received two submissions with attached suggested redline edits to the draft ASP Handbook. To avoid complexity and confusion, those suggested redline edits are excluded from the below table but have been addressed in version two or will be taken into consideration for version three. ICANN org extends its appreciation to ASP-IRT members for taking additional time to review and provide feedback on the draft ASP Handbook.

Commenter	Comment [Attachment name in brackets]	ICANN org Response/Action
Justine Chew	<p>[Attachment: jcMarked 240520_CLEAN ASP-IRT DRAFT ASP Handbook.docx]</p> <p>Hello Kristy,</p> <p>I am providing feedback as requested, given in my personal capacity. I hope that it's okay that I attached a marked word copy for consideration, as there are too many suggestions and queries to list exhaustively.</p> <p>However, I shall highlight a few of them here.</p> <p>1. There are references to "supported applicants" or "qualified</p>	<p>1. Updated and clarified terminology throughout on “Supported applicants”</p>

<p>supported applicants" or "qualified applicants" throughout the document. If these are meant to mean different things - perhaps, the impact of the US\$2.5k having been paid comes into play - then please state that clearly and upfront, like was intended in Appendix 2.</p> <p>2. The summary description of Financial Viability in the Phase 2 table under Section 2.2 of "<i>The applicant demonstrates stable financial standing according to the criteria indicators</i>" does not correlate with the actual criteria of "<i>How does the applicant plan to cover the unsupported portion of the base gTLD application fee?</i>" under Section 4.4. I could live with "The applicant demonstrates <u>a plan to gain</u> stable financial standing according to the criteria indicators", if I had to.</p> <p>3. Under Section 4.3 Financial Need, there is a sentence/condition which reads, "<i>The applying entity may not be 51% or more owned or controlled by an entity that does not meet the above criteria.</i>" I read and reread this sentence and took it to mean that we are allowing applicants that are a subsidiaries of "rich" entities so long as the rich entity does not own 51% or more. I could be reading it wrong but that's what I understood it to mean. In which case, why 51%? That's a majority shareholding. Why isn't it lower than 50%? Or even not more than 25%?</p> <p>4. Restriction 4.6.3 says, "<i>ASP applicants are not permitted to re-apply or re-submit an application to the ASP after the results of the ASP evaluation are complete.</i>" Doesn't this mean that applicants are permitted to re-apply or re-submit until their applications are completely evaluated? If we mean something else, then please make that clear and unambiguous, because we had landed on "no re-application or re-submission in the same round".</p> <p>5. Appendix 2: Deposit - is the provision of a Letter of Credit not being considered?</p> <p>I may have a couple more comments to share from my colleagues from</p>	<p>"qualified supported applicants" and how this relates to the deposit.</p> <p>2. Updated Phase 2 table in Section 2.2, Financial Viability to read: "The applicant demonstrates a plan to cover the base gTLD application fee and upon qualifying, will submit a deposit" – this is consistent with the criteria and indicators.</p> <p>3. Added brackets on this amount in Handbook; will consult internally and bring back to IRT with suggestions.</p> <p>4. Removed clause to revise sentence to "ASP applicants are not permitted to re-apply or re-submit an application to the ASP."</p> <p>5. Letter of credit is not possible for payment of deposit.</p>
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	<p>At-Large, and will do so as quickly as I can manage later.</p> <p>Kind regards,</p> <p>Justine</p> <p>[From Attached Document]:</p> <p>Towards the end of Section 3:</p> <p>Applicants that qualify for support will be required to submit a [\$2,500 USD] deposit on their gTLD application. The deposit must be submitted to ICANN within 30 days of receiving notice of their results. The deposit serves as the last step in the ASP evaluation process to confirm that the applicant is fully qualified (per Financial Viability criteria and indicators). The deposit also signals the applicant's intention to apply for a new gTLD. [1] [JC2]</p> <hr/> <p>Comment to IRT: added some language here to clarify that the deposit is the last step in fully qualifying and it signals the applicant's intention to apply for a gTLD. [JC2]I don't think we can make the deposit as the last step in the ASP <b>evaluation process</b> because that implies that they have to pay it before the evaluation process is completed, meaning before they are notified as having qualified.</p> <p>Why not make the deposit as part of an applicant's acceptance of qualification? Since they aren't entitled to access anything until they have paid the deposit. I note in section 4.4 Financial Viability the concept of "conditional qualification". Use that here. – applicant becomes unconditionally qualified upon payment of deposit.</p>	<ul style="list-style-type: none"><li>• Appreciate this clarification and we'll take a look at further clarification of this for version 3. The intent is that applicants are "conditionally qualified" until they pay the deposit and then they are "fully qualified" and subsequently have access to available resources. Understand the current wording may be confusing in Section 3 and not fully align with language in Section 4.</li></ul>
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Rosalind  
Kennybirch

Hi Kristy, Sam,

Thanks so much for giving us until today to consult on the ASP Handbook with our constituencies. All – it has been a pleasure to work with you throughout this process – we are almost there!

I have attached a few comments based on consulting with GAC members. These include small changes for clarity and high-level points (eg that ICANN should look to make more funding available if there are many successful applicants). However, there are also a few suggestions for direct changes to the handbook. I wanted to highlight the key recommended changes from the GAC below:

- A need to identify which groups the program is aimed at up top, in the objectives (section 1.3) and the overview (section 2, first two paragraphs) sections respectively, including that the program has a global focus.
  - This theme, of clearly highlighting who this program is aimed at, also resonates in some of the comments the GAC has suggested later down in the document. GAC members who are looking to encourage groups in their countries to apply fed back that it would make much more sense to see information on eligible entities first, before reading through public responsibility, etc. sections – to be able to check whether they are eligible in the first place. This would also be a more efficient use of their time (eg saving themselves time reading through all of that detail in the first instance, only to find they aren't an eligible entity of the program).
  - On the current section 2.3, GAC members wondered if it could be clarified, and emphasized, that the expectation is that much of the work through both processes (the ASP application process and the new gTLD application process) will be transferable/replicable? It may deter an entity from applying if
- Added language in sections 1.2 and 2 to clarify which entities are eligible.
  - The eligible entities evaluation has been designed into the ASP Application System in this order. Changing it in the Handbook may cause confusion as it does not align with the order in which the applicant will experience these questions in the ASP Application System. Even if Eligible Entities was listed first as part of Phase 2 evaluation, each application will be evaluated across all criteria in Phase 2. This provides the applicant with complete information about where they passed/failed criteria.
  - Added language to 2.3 to explain the link between the two application systems.

	<p>they get the impression that they will need to do double the work.</p> <ul style="list-style-type: none"> <li>● Finally, and this is a query from me – I thought we had agreed to remove the laundry list of example localized data, such as under five mortality (health), etc.? My understanding was that we had agreed to take out the list for the ‘micro or small sized business from a less developed economy’ section as the examples of localized data were causing confusion and made almost any group eligible to apply, when the focus of this category is supposed to be on lesser developed economies, from a global perspective? I recall that we also said that if an example of localized data was to be left in, it should focus on Internet connectivity itself (eg the Internet penetration example).</li> </ul> <p>I also really appreciated ICANN’s publication of the primer document on the ASP, which I read with interest this week. There could be great merit in adding that primer (attached) as an annex, or at least an accompanying document to go with the handbook.</p> <p>Best wishes, Roz</p>	<ul style="list-style-type: none"> <li>● We kept the question the same and removed the list of example proxy indicators. These were previously listed in a footnote and all footnotes were converted to main body text per public comments suggesting to remove all footnotes.</li> </ul>
<p>Anne Aikman-Sca lese</p>	<p>Hi Kristy and Sam,</p> <p>I am going to provide some very brief comments of my own. Will try to respond to Roz's email and Justine's email separately since that may make more sense in trying to reconcile the comments.</p> <p>First, I very much appreciate the work that has been done in response to the IRT ASP track meetings and your own consideration of needed changes for better organization etc. Thank you!</p> <p>COMMENTS In Section 1.2 - at the end of the first paragraph, I think we have to add</p>	

	<p>"...and wish to apply for and operate a generic Top Level Domain ("gTLD") in the Domain Name System ("DNS") ." (When we quote the Sub Pro Final Report in the next paragraph, "gTLD" and "DNS" are both in shortened acronym form.</p> <p>In relation to Roz's comment about providing info on eligible entities sooner in the document, I don't think we need to reorganize the document but would support the addition of the following sentence at the end of the first paragraph of 1.2. "Types of entities eligible for ASP assistance (subject to meeting various criteria for qualification) are described in Section 4 below."</p> <p>Anne</p> <p>Anne Aikman-Scalese GNSO Councilor NomCom Non-Voting 2022-2024 anneicannngo@gmail.com</p>	<ul style="list-style-type: none"> <li>• Added this suggested text.</li> <li>• Added a brief description in Section 2 re eligible entities and referred to Section 4 for more detail.</li> </ul>
<p>Tracy F. Hackshaw</p>	<p>Hello colleagues,</p> <p>Further to the input provided by Roz, which I fully support, I would like to ensure that the Handbook clearly delineates and eliminates the often cited "The Bronx" scenario.</p> <p>I would therefore recommend inclusion of a documented caveat that:</p> <p>(i) strongly discourages applicants from countries that already have a vibrant DNS Industry from applying for the ASP (thereby clearly avoiding the need for the already limited available resources to be expended within the Outreach and Engagement/Communications Plan in these areas. In this regard, we recall the "targeted" approach as explained by the Comms team in their recent presentation).</p>	<ul style="list-style-type: none"> <li>• As noted previously in response to public comments, we do not have a policy basis for discouraging applicants from particular geographies. There is a targeted approach for Comms and Outreach per GGP Guidance, but this does not translate into discouraging applicants from certain regions. Per</li> </ul>

	<p>(ii) Ensures that the currently included wide range of localized data does not inadvertently facilitate the allocation of resources to consider applicants from countries that already have a vibrant DNS industry at the expense of those applicants from countries that do not.</p> <p>Thanks,</p> <p>Tracy</p>	<p>GGP Implementation Guidance on GR 1: “Implementation Guidance: Target potential applicants from the not-for-profit sector, social enterprises and/or community organizations from under-served and developing regions and countries. <b>This should not exclude any entities from outreach efforts, such as private sector entities from underserved and developing regions and countries, recognizing the goal is to get as many qualifying applicants as possible.</b>” [emphasis added]</p>
<p>Anne Aikman-Scalese</p>	<p>Hi Roz, Kristy and Sam,</p> <p>I made brief comments separately but wanted to address the points below with a few thoughts.</p> <p>First bullet point - this looks fine to me.</p> <p>Second bullet point - please see my specific comment to just add language up top referring to the eligible entity section in 4 below. People can just jump to that section in the document. I don't think the entire document needs to be reorganized this stage.</p> <p>Third bullet point - although I understand the reason for this comment, I don't think that in reality the information developed is directly transferable to the actual new gTLD application. The reasons are: (1) Required financial information is likely much more rigorous at the new gTLD application phase and (2) it's possible that verifiable entity and degree of control and background checks may have to be rerun in order to be current at the time of application, especially if the application</p>	<ul style="list-style-type: none"> <li>• Addressed these points in the above.</li> </ul>

	<p>comes in near the end of the next window. But I know Kristy and Sam will have the answer here.</p> <p>Fourth bullet point - I tend to agree that the laundry list Roz refers to is not helpful. Is this the list the third party provider would be using to measure need based on "localized data"? Or can we work with the third party provider to specify criteria which fit the purposes of this ASP?</p> <p>Agree on adding the primer history document as an exhibit or appendix as suggested by Roz.</p> <p>Thanks for all your hard work! Anne</p> <p>Anne Aikman-Scalese GNSO Councilor NomCom Non-Voting 2022-2024 anneicannnso@gmail.com</p>	
<p>Anne Aikman-Scalese</p>	<p>Thanks Tracy. I don't think the existing policy work, including the GGP, provides any basis for discouraging an applicant from a particular country who otherwise qualifies based on criteria specified in the handbook. One ready example I would give would be the indigenous tribes located in various countries which may have completely separate (and struggling) economies. However, I do agree the "localized data" enumeration of examples should be subject to further discussion.</p> <p>Thank you, Anne</p> <p>Anne Aikman-Scalese GNSO Councilor NomCom Non-Voting 2022-2024 anneicannnso@gmail.com</p>	<ul style="list-style-type: none"> <li>• Addressed this comment in the points above.</li> </ul>

<p>Jim Prendergast</p>	<p>I agree on this point. Qualified candidates can come from any country or region. Key is they meet the criteria in order to be successful.</p> <p>Jim Prendergast The Galway Strategy Group +1 202-285-3699</p>	<ul style="list-style-type: none"> <li>• No changes necessary.</li> </ul>
<p>Anne Aikman-Scalese</p>	<p>Kristy and Sam, I concur with the points made by Justine in Paragraphs 1, 2, 4 and 5 below. Regarding Paragraph 3, this is highly substantive in nature. I see why the comment has been made in that it would allow a 50% or less "rich" entity to form a subsidiary for the purposes of applying to the ASP but I'm not sure how to address this substantive point in the process of finalizing this work for publication next week. The best recommendation I can make is that we would leave the 51% blank and indicated it is a "percentage to be determined". This would be in order to allow a more robust substantive discussion on this point by all ASP track members. 51% is usually cited to designate the degree of control held by the parent entity and that is common but I'm not sure the group has ever specifically discussed the appropriateness of that percentage in this ASP context.</p> <p>Thanks to Justine for raising these points.</p> <p>Thank you, Anne Anne Aikman-Scalese GNSO Councilor NomCom Non-Voting 2022-2024 anneicannnso@gmail.com</p>	<ul style="list-style-type: none"> <li>• Addressed by putting 51% in brackets. Will revert back to IRT with suggestions on this.</li> </ul>

<p>Rubens Kuhl</p>	<p>&gt; &gt; 5. Appendix 2: Deposit - is the provision of a Letter of Credit not being considered?</p> <p>Justine,</p> <p>On this specific topic, the LoC experience from the 2012 round was very traumatic for both applicants and ICANN, so I understand the reasoning for preferring a deposit. In 2012 we begged ICANN to use deposits instead of LoC's, but they insisted and made that the worst part of the financial evaluation. Which is why SubPro changed that for a possible COI (Continued Operations Instrument)...</p> <p>... while this doesn't goes against using LoC in ASP, the motives for that decision apply as well.</p> <p>Rubens</p>	<ul style="list-style-type: none"> <li>• Put 51% in brackets; to be discussed with IRT.</li> </ul>
<p>Justine Chew</p>	<p>Hi Rubens,</p> <p>Understood. We're not looking to replace the cash deposit, but to allow suitable alternatives especially for Global South applicants that may not have easy "access" to US dollars within their own banking or monetary regulation systems.</p> <p>Kind regards, Justine</p>	<ul style="list-style-type: none"> <li>• Address in above points.</li> </ul>
<p>Rubens Kuhl</p>	<p>&gt; Em 31 de mai. de 2024, à(s) 20:19, Justine Chew &lt;justine.chew.icann@gmail.com&gt; escreveu: &gt; &gt; Hi Rubens,</p>	

	<p>&gt; &gt; Understood. We're not looking to replace the cash deposit, but to allow suitable alternatives especially for Global South applicants that may not have easy "access" to US dollars within their own banking or monetary regulation systems.</p> <p>In the 1/3 of the Global South I live in, Latin America, I can see three countries where getting USD transfers could be challenging: Cuba, Venezuela and Argentina. Two of those (Cuba and Venezuela) could also be challenging to pass OFAC clearance, but Argentina is a more interesting example since it's more about shortage of USD than an issue with international relations.</p> <p>Perhaps adding LoC and insurance as alternatives for select geographies ? For instance, besides making a cash deposit, the 2nd easiest way to get an alternative way to provide guarantees where I live is insurance, which is what we usually do for governmental contracts. LoC's were real-real-real-really hard to get in 2012, but other jurisdictions could be the other way around.</p> <p>Rubens</p>	<ul style="list-style-type: none"> <li>• The acceptable forms of payment have been added to the Handbook. These do not include LoC or insurance, per current ICANN procedure for accounts payable.</li> </ul>
<p>Justine Chew</p>	<p>Thanks, Rubens.</p> <p>I would support your call for also including insurance (or even a bank guarantee of some kind) as another more accessible alternatives, in addition to LoC, especially for Global South applicants. As you exemplified, it is about recognizing the challenge of not having easy "access" to US dollars within some countries' banking and monetary regulatory systems as a barrier which can and should be overcome.</p> <p>Kind regards, Justine</p>	<ul style="list-style-type: none"> <li>• Addressed above.</li> </ul>

Cheryl Langdon-Orr	Yes several of us have suggested LoC's for this in our deliberations and I still support it as an option	<ul style="list-style-type: none"><li>• We note that the acceptable forms of payment have been added to the Handbook. We did check on LoCs or insurance but the current ICANN procedure for accounts payable does not include these forms of payment.</li></ul>
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