Response to Documentary Information Disclosure Policy Request

To: Padmini Baruah on behalf of the Centre for Internet & Society

Date: 25 May 2016

Re: Request No. 20160426-1

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Thank you for your Request for Information dated 23 April 2016 (Request), which was submitted on 26 April 2016 through the Internet Corporation for Assigned Names and Numbers (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of The Centre for Internet & Society (CIS). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of documentary information relating to the financial support portion of the New gTLD Applicant Support Program. Specifically, your Request seeks documents responsive to the following questions:

1. "How many applicants who sought support received it, and how much did they receive?"
2. "On what basis were the applications granted?"
3. "How much of the $2,000,000 fund that ICANN has set aside for this purpose has been utilised and how has this allocation been done?"
4. "Of the donors who support this programme, who has made what contributions, and to whom? On what basis have these contributions been granted?"
5. "What comes under support 'in kind' that the donors can make to the applicants? How many of these donations 'in kind' have been made and to whom?"

Response

The New gTLD Applicant Support Program (Program) is a community-developed initiative intended to promote access to the New gTLD Program in developing regions, by providing financial and nonfinancial support for potential new gTLD applicants. The Program was designed to make the new gTLD application process as inclusive and affordable as possible for new gTLD applicants. It sprung from a Board-initiated, community-based working group that was tasked with developing a sustainable approach in support of new gTLD applicants in need of financial and operational assistance. The Joint Applicant Support (JAS) Working Group provided much of the direction and rationale for the Program, which was subsequently approved by the Board in December 2011. (*See* Final Report of the Joint SO/AC New gTLD Applicant Support Working Group (JAS WG Final Report), available at http://dakar42.icann.org/meetings/dakar2011/presentation-jas-final-report-13sep11-en.pdf; *see also*, Board Resolutions 2011.12.08.01 - 2011.12.08.03, available at https://www.icann.org/resources/board-material/resolutions-2011-12-08-en - 1.1.)

As stated in the New gTLD Financial Assistance Handbook (Handbook), available at https://newgtlds.icann.org/en/applicants/candidate-support/financial-assistance-handbook-11jan12-en.pdf, the Program provided financial assistance during the first round of the New gTLD Program in the form of a reduction in the evaluation fees. Specifically, the financial assistance of the Program allowed applicants that could meet the established criteria threshold to pay a reduced evaluation fee of US$47,000 instead of the full evaluation fee of US$185,000. (*Id.*)

The candidate eligibility and criteria are defined in the Handbook, and are discussed in further detail below in response to Item 2. (*See id.* at pp. 3-4, 7-18). Candidates for the Program were evaluated by the Support Applicant Review Panel (SARP), which was comprised of five volunteer members from the community with experience in the domain name industry, in managing small businesses, awarding grants, and assisting others on financial matters in developing countries. These five candidates were chosen from 80 individuals from around the world. The biographies of the SARP Members are published at https://newgtlds.icann.org/en/applicants/candidate-support/sarp-bios-28may13-en.pdf.

As set forth in the Handbook and the Program Fact Sheet, available at https://newgtlds.icann.org/en/applicants/candidate-support/applicant-support-fact-sheet-20feb12-en.pdf, the financial assistance element of the Program is made possible due to a US$2,000,000 seed fund set aside by ICANN's Board of Directors.

Additional information about the Program is available on the Program webpage, available at https://newgtlds.icann.org/en/applicants/candidate-support, including the following:

- SARP Results (https://newgtlds.icann.org/en/applicants/candidate-support/sarp-results-20mar13-en.pdf)
- Fact Sheet (https://newgtlds.icann.org/en/applicants/candidate-support/applicant-support-fact-sheet-20feb12-en.pdf)
- Podcast (http://www.icann.org/en/about/learning/podcasts/icann-start-08mar12-en)
- Directory (https://newgtlds.icann.org/en/applicants/candidate-support/non-financial-support)
- New gTLD Financial Assistance Handbook (https://newgtlds.icann.org/en/applicants/candidate-support/financial-assistance-handbook-11jan12-en.pdf)
- Draft Applicant Support Criteria (http://archive.icann.org/en/topics/new-gtlds/draft-applicant-support-criteria-10dec11-en.pdf)
- Draft Applicant Support Process (http://archive.icann.org/en/topics/new-gtlds/draft-applicant-support-process-10dec11-en.pdf)

- Draft Applicant Support Timeline (http://archive.icann.org/en/topics/new-gtlds/draft-applicant-support-timeline-20dec11-en.pdf)

Item 1

Item 1 requests documentary information regarding how many applicants received financial support from the Program and the amount of support received. The information responsive to this item is set forth in the SARP Results, which has been published at https://newgtlds.icann.org/en/applicants/candidate-support/sarp-results-20mar13-en.pdf. As stated in the SARP Results, three applicants applied for financial support: DotKids Foundation, Nameshop, and Ummah Digital Ltd. The SARP determined that DotKids Foundation met the criteria for financial support while Nameshop and Ummah Digital Ltd. did not. (*See id.*) Pursuant to the Handbook, DotKids Foundation received financial support in the amount of US$138,000 in evaluation fees. (*See id.*; *see also*, Handbook, available at https://newgtlds.icann.org/en/applicants/candidate-support/financial-assistance-handbook-11jan12-en.pdf.)

Item 2

Item 2 seeks documentary information regarding the basis on which the qualifying application received financial support. The information responsive to this item is set forth in the Handbook (https://newgtlds.icann.org/en/applicants/candidate-support/financial-assistance-handbook-11jan12-en.pdf) and the SARP Results (https://newgtlds.icann.org/en/applicants/candidate-support/sarp-results-20mar13-en.pdf). The Handbook sets forth the eligibility and criteria for financial assistance. As stated therein, in order to qualify for a fee reduction, applicants were required to demonstrate financial need, provide a public benefit interest, and possess the necessary management and financial capabilities. (*See* Handbook, https://newgtlds.icann.org/en/applicants/candidate-support/financial-assistance-handbook-11jan12-en.pdf.) Specifically, the Handbook states:

> The Applicant Support Program does not alter existing criteria for a new gTLD, rather it measures interested Applicant Support candidates against separate criteria to identify those who demonstrate: (1) service in the public interest; (2) financial need; and (3) minimum financial capabilities. Applicant Support candidates rank highest as measured against these criteria will be awarded the significant reduction in their application fees.
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> Only one support application for any entity or affiliate of that entity will be considered. The entity may apply for multiple TLDs, but is allowed only one Financial Support Application.
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> Candidates who meet these initial eligibility criteria and pay the USD 47,000 evaluation fee then begin the Initial Evaluation phase in the main New gTLD Application Process. Refer to the New gTLD Applicant Guidebook for the new gTLD evaluation process.

Exclusions / Eligibility

Entities requesting support through the Application Support Program first will undergo a review to determine eligibility for the Applicant Support Program. A New gTLD Candidate will be excluded from Financial Support consideration if it is:

- applying for a gTLD string that is intended to reference a trademark. (However, applications for names of communities or non-governmental agencies are not necessarily disqualified from receiving support if they have obtained legal trademark protection.)

- a national or federal governmental entity or an entity with controlling interest by a national or federal government.

- applying for a gTLD string that is a geographic name as described in the New gTLD Applicant Guidebook.

Those that meet the eligibility criteria immediately above will then be evaluated against specific criteria. Candidates will be evaluated against three criteria sets:

- **Public Interest Benefit** (to prioritize funds for those projects that would offer demonstrable benefit to the public or suitable community group, including support for distinct cultural, linguistic or ethnic communities, as well as communities with a defined social need).

- **Financial Need** (to distribute funds to those entities that lack sufficient financial resources to pay for application fees or otherwise execute their projects, or who would not be able to raise those resources through other means).

- **Financial Capabilities** (to help ensure those receiving funding will be able to manage those funds and execute this project if successful). The sequence of criteria reflects the order in which the panel shall assess them, because the first test is core to the goal of the New gTLD Applicant Support Program.

(Handbook, pp. 3-4, https://newgtlds.icann.org/en/applicants/candidate-support/financial-assistance-handbook-11jan12-en.pdf.) The Handbook further provides a fulsome explanation on the Program evaluation process including scoring methodology for each criterion. (*See id.* at pp. 7-18.) As set forth in the SARP Results, the Panel determined that DotKids Foundation met all three criteria. (*See* https://newgtlds.icann.org/en/applicants/candidate-support/sarp-results-12mar13-en.pdf.)

Item 3

Item 3 requests documents responsive to the following question: "How much of the $2,000,000 fund that ICANN has set aside for this purpose has been utilised and how has this allocation been done?" As set forth in the Handbook, the financial assistance element of the Program is made possible due to a US$2,000,000 seed fund set aside by ICANN's Board of Directors. Of the US$2,000,000 seed fund, US$138,000 has been utilized to fund the only application that the SARP determined to have qualified for financial assistance. (*See* SARP Results, available at https://newgtlds.icann.org/en/applicants/candidate-support/sarp-results-20mar13-en.pdf.)

Items 4-5

Items 4 and 5 seek documentary information regarding contributions by donors to the Program fund. As discussed above, the Board earmarked US$2,000,000 seed fund for the Program. In addition, ICANN considered possible processes to allow others to make contributions to the fund. (*See* ASP Fact Sheet, p. 2, https://newgtlds.icann.org/en/applicants/candidate-support/applicant-support-fact-sheet-20feb12-en.pdf.) However, as noted in the New gTLD Program Implementation Review, the US$2M seed funding was not exhausted, so additional donations to fund the Program were not solicited. (*See* New gTLD Program Implementation Review, p. 159, available at https://www.icann.org/en/system/files/files/program-review-29jan16-en.pdf.) As such, ICANN does not have any documents responsive to these items.

About DIDP

ICANN's DIDP is limited to requests for documentary information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, please see http://www.icann.org/en/about/transparency/didp. ICANN makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because, as we continue to enhance our reporting mechanisms, reports will be posted for public access.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.