

03 October 2024

Mr. Nicolas Caballero
Chair, ICANN Government Advisory Committee (GAC)

RE: Update following Board-GAC Bylaws Consultation on ICANN80 GAC Advice

Dear Nicolas Caballero,

The Board would like to thank the GAC for a productive, collaborative discussion during the recent GAC and ICANN Board [Consultation Call on ICANN80 GAC Advice](#) on 16 September 2024. This Bylaws-mandated consultation was to discuss the Board's concerns with implementing GAC Advice on the Applicant Support Program (ASP) in its 17 June 2024 [ICANN80 Kigali Communiqué](#). As denoted in ICANN Bylaws section 12.2(a)(x), the purpose of the consultation call was for the GAC and Board to "try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution." This correspondence is intended to share the Board's understanding and planned next steps with the GAC, following the Consultation. The Board kindly requests the GAC to share any further questions or concerns as soon as feasible in order to inform Board action.

Preparing for Bylaws Consultation (Steps 1 through 4 of [Consultation Process](#))

In preparation for the GAC and Board [Clarification Call on 15 July 2024](#), the Board shared [clarifying questions](#) with the GAC to ensure collective understanding of the GAC's Advice in the Kigali Communiqué as well as the Board's concerns. Following the Clarification Call, the Board [sent correspondence to the GAC outlining the proposed path forward](#) and the Board's preliminary decision to take an action that is not consistent with GAC Consensus Advice items 1.a.i¹ and 1.a.ii².

On 29 July 2024, the Board shared its [ICANN80 Kigali Communiqué Scorecard on Board Action](#) noting the need for a Board-GAC Bylaws Consultation on GAC Advice item 1.a.i pertaining to the ASP evaluation process, and item 1.a.ii pertaining to the ASP evaluation panel.

¹ To take final decisions on successful Applicant Support Program (ASP) applicants, who applied within the twelve month time period, at the conclusion of that period as opposed to on a first come, first served basis. This would mean that no preference is given to applicants who applied earlier in the twelve month period, and will help ensure underserved regions^[1] are not at a disadvantage through the ASP.

² To invite members of the community with relevant expertise to monitor and participate in the ASP Application Evaluation process that will result in final decisions on ASP application outcomes. The GAC signals its willingness to fully participate in this process.

Outcome of Bylaws Consultation - Mutually Agreeable Solutions (Steps 5 and 6 of Consultation Process)

On 16 September 2024, the GAC and ICANN Board held a [Consultation Call on ICANN80 GAC Advice](#). During this meeting, the Board presented approaches to address the GAC's concerns with a first-come, first-served ASP evaluation process. The proposed compromise for 1.a.i is:

The Board will direct ICANN org to share monthly reporting with the ICANN community on the geographic distribution of ASP applications received and qualified. The Board expects that monthly reporting will be available via the [Program Statistics](#) on the ASP website and via updates to the SubPro Implementation Review Team (IRT). The monthly reporting on geographic distribution can inform quarterly adjustments to the ASP Communications, Outreach & Engagement efforts.

In addition, the Board will direct ICANN org to share results of geographic distribution with the IRT after 20 qualified ASP applicants to determine adjustments to Communications, Outreach & Engagement or if additional funding may be needed.

With regard to advice item 1.a.ii, the Board informed the GAC that the Request for Proposal (RFP) process to select an independent third-party evaluator is underway and thus changes would directly impact the launch of the ASP program. More generally, the Board noted that introducing community members to the evaluation panel increases the risk of conflicts of interest and the potential for legal challenges - and therefore the Board is not supportive of such a step. The Board expects that ICANN will continue with its plans to select a vendor with appropriate evaluation skills and diverse experience to conduct a fair and objective assessment of globally diverse ASP applicants.

Following the Consultation Call, the Board understands that the GAC was satisfied with the proposed compromise on ICANN80 Advice item 1.a.i and the Board's response to ICANN80 Advice item 1.a.ii. Based upon the Board's concerns and the subsequent exchanges between the Board and the GAC, the Board plans to indicate its rejection of Advice items 1.a.i and 1.a.ii in favor of the compromise on 1.a.i and the GAC's understanding of how ICANN will approach 1.a.ii.

Should the GAC have additional questions or concerns regarding the conclusion of those two Advice items, the Board would greatly appreciate receiving the GAC's input, if possible by 17 October 2024. This would allow the Board to take into account any further GAC input prior to its decision to resolve on the ICANN80 GAC Kigali Communiqué Scorecard and approve the [ASP Handbook](#) prior to or at ICANN81 in order for the ASP to launch on 19 November 2024.

The Board kindly thanks the GAC for its attention and enthusiasm for the New gTLD Program: Next Round Applicant Support Program. The Board appreciates the productive exchange with the GAC on these advice topics and looks forward to working with the GAC and the rest of the ICANN community to shepherd an objective, fair, and meaningful Applicant Support Program.

Sincerely,



Tripti Sinha,
Chair, ICANN Board of Directors