

**By Email**

Mr. Fadi Chehadé  
President and CEO  
Dr. Stephen Crocker  
Chairman, Board of Directors  
ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536

Re: Public Comment of Initiative for a Competitive Marketplace on Preliminary Acceptance of Charleston Road Registry's Amended .search gTLD Application (Appl. No. 1-1141-50966)

Dear Mr. Chehadé and Dr. Crocker:

The Initiative for a Competitive Online Marketplace ("ICOMP") opposes ICANN's 14 May 2013 preliminary acceptance of the amended application by Charleston Road Registry ("CRR"), a wholly-owned subsidiary of Google, Inc. ("Google"), for the .search gTLD string (Appl. No. 1-1141-50966) (hereinafter, "Amended .search Application"). Because the proposed amendments comprise a material change to, and expansion of, the .search gTLD string, retain the competitive risks of Google's original application and raise further competitive risks, and would introduce new risks to the stability and security of the Internet, Google's Amended .search Application does not and cannot satisfy ICANN's criteria for acceptance of changes to a filed gTLD application.

**I. Background to Google's .search gTLD String Application**

Posted on 13 June 2012, Google's .search gTLD string application (Appl. No. 1-1141-50966) (hereinafter, "Original .search Application") indicated Google's intent to "operate the proposed [.search] gTLD as a closed registry with Google as the sole registrar and registrant." Original .search Application, at ¶ 18.b.i.1. Indeed, according to the Original .search Application, "[t]he purpose of the proposed [.search] gTLD is to provide a dedicated Internet space in which Google can continue to innovate *its* Internet search offerings," *id.* at ¶ 18.a (emphasis added), which include both general (Google) and vertical (e.g., Google Shopping) search services. Google's operation of the .search gTLD was "intend[ed] to make it clear to Internet users that [.search] is the authoritative and designated space where they can find Google Search services offered solely by Google . . . ." *id.* at ¶ 18.b.i.1.

ICOMP, on behalf of several of its members and others, filed a Community Objection on 13 March 2013 to the Original .search Application (hereinafter, "ICOMP Community Objection"). As more fully explained in ICOMP's Objection, approving the Original .search Application "would give





Google the incentive and the ability to further entrench its dominance in search and to do so through means other than competition on the merits,” ICOMP Community Objection at 13, by awarding Google “exclusive control over the gTLD string with the same name as the market category that Google today dominates (‘search’)” and, likewise, control “over a generic term that is likely to be a major future source of search engine queries.” *Id.* at 12. “Because Google’s operation of the .search gTLD will deprive rivals of opportunities to access this major source of queries, it will have the inevitable effect of diminishing competition in search — to the tremendous detriment of the .search community.” *Id.* at 15.

The Original .search Application also faces opposition from other international and .search community representatives. For example, (1) the Government of Australia filed an Early Warning against the Original .search Application objecting to the exclusion of potential competitors from a “common generic” term “relating to a market sector,” see GAC Early Warning ([AU-50966](#)); (2) FairSearch.org filed a Community Objection highlighting, among other things, the risk that Google’s exclusive operation of the .search gTLD could mislead consumers and violate international law, see FairSearch.org Objection at 9, 13–14; and (3) on 11 April 2013 the ICANN Government Advisory Committee (“GAC”) identified the .search gTLD string as a proposed string “representing [a] generic term[,],” which the GAC concluded should not be made “exclusive” unless it “serve[s] a public interest goal.” ICANN, [GAC Communiqué — Beijing](#), at 11 (11 April 2013).

In a transparent attempt to evade the objections expressed by the international and .search communities, Google submitted an Amended .search Application to ICANN on 6 April 2013. Ostensibly abandoning the .search gTLD string’s original purpose as a Google “closed registry,” the Amended .search Application contends “[t]he goal of the proposed gTLD is to provide a space dedicated to Internet search offerings,” including “websites that offer search functionality,” Amended .search Application at ¶ 18.b.i.1, but still seeks to “establish[] an authoritative community of websites that offer search functionality,” *id.* at ¶ 18.b.i.3, “conforming to a simple technical standard” defined and administered by Google as registrar (an “open-restricted registry”), *id.* at ¶ 18.b.iv. In addition to altering the purpose of the proposed string, the Amended .search Application proposes a wholly new functionality on the “dotless search domain.” *Id.* at ¶ 18.b.iii. See also *id.* at ¶ 23.10 (inserting “Search Redirect Service” into the .search application).

Google thereafter filed a Response to ICOMP’s Community Objection contending, among other things, that the Amended .search Application’s shift to an open-restricted registry moots ICOMP’s Community Objection. See, e.g., Google Response at 5 (“Because . . . CRR will no longer be the sole registrant and will no longer have complete control of the .SEARCH domain,” “the majority of the arguments ICOMP lays out against this application are no longer applicable . . .”).

## II. Google’s Amended .search Application Does Not Meet ICANN’s Change Request Criteria

Although ICANN preliminarily accepted Google’s Amended .search Application on 14 May 2013, the Amended .search Application is open to public comment prior to final acceptance. See



ICANN, [Application Update History](#) (Appl. No. 1-1141-50966). ICANN has identified seven criteria for determining whether acceptance of proposed changes to a gTLD application is justified:

- (1) **Explanation:** Is a reasonable explanation provided for the amendment?
- (2) **Evidence that original submission was in error:** Are there indicia to support an assertion that the change merely corrects an error?
- (3) **Other third parties affected:** Does the change affect other third parties materially?
- (4) **Precedents:** Is the change similar to others that have already been approved? Could the change lead others to request similar changes that could affect third parties or result in undesirable effects on the program?
- (5) **Fairness to applicants:** Would allowing the change be construed as fair to the general community? Would disallowing the change be construed as unfair?
- (6) **Materiality:** Would the change affect the evaluation score or require re-evaluation of some or all of the application? Would the change affect string contention or community priority consideration?
- (7) **Timing:** Does the timing interfere with the evaluation process in some way? ICANN reserves the right to require a re-evaluation of the application in the event of a material change. This could involve additional fees or evaluation in a subsequent application round (Applicant Guidebook § 1.2.7.).

See ICANN, [New gTLD Application Change Request Process and Criteria](#) (collectively, “ICANN criteria”).

ICANN should reject the Amended .search Application because it fails to satisfy any of these criteria. Indeed, Google’s New gTLD Application Change Request does not even address these criteria, presumably because it recognizes that the Amended .search Application cannot satisfy them. Careful consideration of the ICANN criteria demonstrates that the Amended .search Application is a material alteration to, and material expansion of, the Original .search Application that (1) proposes greater changes than contemplated by the ICANN criteria or previously approved for other applications, (2) fails to alleviate the competitive risks identified in ICOMP’s Community Objection, (3) raises new competitive risks, and (4) threatens the overall stability and security of the Internet by proposing a “dotless” search domain. If Google wishes to apply for the .search domain under the terms set out in its Amended .search Application, ICANN’s procedures require that Google file a new gTLD application in a subsequent application round.

#### A. Explanation

The first criterion identified by ICANN for evaluating requests to change an application considers whether the applicant has provided a “reasonable explanation” for the amendment. Google’s Change Request offers three possible explanations for the Amended .search Application.





First, the Change Request states, “[r]ather than limiting the proposed TLD for use by Google, we propose a revised registration policy that allows for registration by any search website providing a simple query service.” Google New gTLD Application Change Request Form, at 1. Second, Google “propose[s] a new redirect service at the ‘dotless’ search domain (http://search/) that allows users to specify and easily access the search functionality of their choice.” *Id.* Third, Google asserts that “the **combination** of the common query interface and redirect service will provide users with a powerful new tool to make use of the search-related services online.” *Id.* (emphasis added). None of these explanations is reasonable.

First, it is clear that the true purpose of the amendment is to circumvent the many substantial objections directed at Google’s original application, both by the .search and by the international communities. The avowed purpose of Google’s Original .search Application was to “operate the proposed [.search] gTLD as a closed registry with Google as the sole registrar and registrant.” Original .search Application, at ¶ 18.b.i.1. In the face of industry, community, and international opposition to the “closed registry” it applied for, Google’s Amended .search Application materially changes the proposed .search gTLD string to an “open-restricted registry.” *See supra*. Google’s attempt to manipulate the application amendment process to evade criticism of its proposed operation of the .search gTLD by fundamentally changing the alleged purpose of its application is not a “reasonable explanation.” On the contrary, seeking such a material change **after** the new application deadline has passed, and **after** the objection deadline has passed, constitutes a transparent and unacceptable attempt to circumvent the ICANN dispute resolution process. Indeed, Google has already attempted to rely on its procedural sleight of hand by alleging that ICOMP’s Community Objection is mooted by the Amended .search Application. *See, e.g.*, Google Response at 5.

Second, the Amended .search Application’s proposal to operate a “dotless” search domain is unreasonable because it would materially expand the Original .search Application to include an **entirely new** type of functionality with a fundamentally different purpose and impact. *See* Amended .search Application at ¶ 23.10 (inserting “Search Redirect Service” into the .search application). Again, Google seeks to exploit this procedural sleight of hand in order to shield this materially new proposal from substantive challenge in ICANN’s dispute resolution process. Such a material expansion of the proposed functions of a gTLD can only be made *ab initio* through a new gTLD application, not through ICANN’s Change Request procedure. *See infra*. Moreover, as further explained below, the new “dotless” search request is directly contrary to the recommendations of the ICANN Security and Stability Advisory Committee (“SSAC”), which expressly concluded that “dotless” domains of the type proposed in Google’s Amended .search Application threaten the overall security and stability of the Internet. *See infra*.

Finally, “the combination” of these two unreasonable explanations is likewise an unreasonable explanation for the Change Request.

## B. Evidence That The Original Submission Was In Error



ICANN’s second criterion for evaluating a request to change an application examines whether “there [are] indicia to support an assertion that the change merely corrects an error.” See ICANN, [New gTLD Application Change Request Process and Criteria](#). Critically, Google’s Change Request does not even claim the existence of an error in its Original .search Application; thus, Google has effectively conceded that it fails to satisfy this criterion.

Instead, the substance of the proposed changes demonstrate that the amendment would dramatically expand and tactically shift the entire scope and purpose of the Original .search Application. The primary purpose of Google’s proposed .search gTLD string was originally to “operate . . . as a closed registry,” Original .search Application, at ¶ 18.b.i.1, and thereby “provide a dedicated Internet space in which Google can continue to innovate *its* Internet search offerings,” *id.* at ¶ 18.a (emphasis added). The Amended .search Application deletes this primary purpose and replaces it with an “open-restricted” registry, *see supra*. It would be illogical for Google to now claim that the principal purpose of the Original .search Application was an “error” in need of “correct[ion].” Rather, it is a major substantive change the primary purpose of which is to sidestep the substantial opposition that has been expressed to Google’s application. *See supra*.

Likewise, by proposing a wholly new “dotless” search functionality, the Amended .search Application materially expands upon the original application. There is absolutely no grounds to believe (nor does Google offer one) that this critical element was somehow erroneously omitted from the Original .search Application.

### C. Other Third Parties Affected

ICANN’s third criterion for evaluating amended applications examines whether the change would materially affect third parties. See ICANN, [New gTLD Application Change Request Process and Criteria](#). As noted above, Google’s Change Request both materially changes and materially expands the .search gTLD application. Both aspects would materially affect third parties.

First, material expansion of the proposed .search gTLD string to include a “dotless” search functionality threatens the overall security and stability of the Internet. In its 23 February 2012 “Report on Dotless Domains,” the SSAC “recommend[ed] strongly against” the use of “dotless” domains. See SSAC, *Report on Dotless Domains* [[SAC053](#)], at 8 (Feb. 23, 2012). As the SSAC explained, “the way in which domain names are interpreted in different contexts would lead to unpredictable and unexpected dotless domain behavior.” *Id.* at 4. See also *id.* at 5–7 (describing potential unexpected results of dotless entries in different online applications).

Moreover, hosting content at a dotless domain would “violate a longstanding (more than 20 year) assumption that a dotless hostname is within an organization’s trust sphere” and would therefor potentially provide a dotless host with security privileges to the internal corporate network of an organization from which a dotless search query originates. *Id.* at 7. Likewise, “until very recently most Certificate Authorities would issue a Hypertext Transfer Protocol Secure (HTTPS)







certificate for any dotless hostname with no validation (under the assumption that such hostnames, by definition, were not globally reachable);” meaning that a dotless domain “pose[s] a significant security risk to the privacy and integrity of HTTPS communications.” *Id.*

Representatives from several leading Internet browser developers submitted public comments supporting the SSAC’s “strong” recommendation against the use of “dotless” domains. *See SSAC, Report of Public Comments [SAC053] (Nov. 27, 2012).* For example, Microsoft reiterated “the considerable security risk to the privacy and integrity of HTTP communications if dotless domains are permitted” and Mozilla explained the confusion (and security risk) of “dotless” domains because “[c]ountless companies use dotless names for their internal servers and dotless name already have a meaning in a local context . . .” *Id.* Indeed, **even a Google engineer** agreed that “using the new TLDs in a ‘dotless’ fashion may not be possible in a secure manner” in part because certificate authorities continue to issue SSL certificates without validation of hostnames. *See id.* (comment of Ian Fette).

The security concerns over dotless domains voiced by the SSAC and industry commenters are well-founded. Under currently accepted assumptions, dotless domain names are often resolved by Internet browsers (among other programs) to addresses on an organization’s local Intranet. Because, in that situation, only entering a Fully Qualified Domain Name informs the browser of the user’s intent to access the Internet, the introduction of a “dotless” Internet domain undermines foundational programming assumptions for resolving user requests and is therefore likely to result in material intended for a secure Intranet “leak[ing]” onto the Internet. *See, e.g., SSAC, Report of Public Comments [SAC053] (Nov. 27, 2012)* (“Regarding security, traffic that should remain within organizational boundaries could leak globally, not merely to the gTLD holder[,] but also to each intermediate network, possibly across international lines . . . [and] [s]uch traffic is likely to be unencrypted . . .” (comment of Dan Kaminsky)).

Second, the Amended .search Application’s material alteration of the proposed .search gTLD string to an “open-restricted” registry would materially affect third parties because it does not ameliorate the anticompetitive effects of the Original .search Application’s “closed” registry, and poses new anticompetitive risks.

ICOMP’s Community Objection—along with FairSearch.org’s Community Objection—detailed the threats to competition posed by the “closed” .search gTLD proposed in the Original .search Application. In short, the Original .search Application’s proposal “to operate .search as a closed gTLD indicates that [Google] intends to direct all search queries originating on web sites operating under the .search domain to its own services,” thus “depriv[ing] current and future members of the .search community (including both general and vertical search providers) of a vital new source of search queries, user traffic, and advertising opportunities.” ICOMP Community Objection at 13. Thus, “[i]t is inconceivable that Google’s competitors can meaningfully compete with Google if Google has exclusive control over the gTLD string that is the name of the very market in which Google is dominant.” *Id.* at 15–16.





Yet the Amended .search Application’s change to an “open-restricted” registry would only minimally expand third-party access to the .search gTLD. Google is the dominant general search engine in virtually every major market in the world. Google is currently under investigation by antitrust authorities in Europe and elsewhere for exploiting its dominance in general search to acquire dominance in several vertical search sectors and thereby illegally foreclosing competition. *See, e.g.*, ICOMP Community Objection at 15. Google, as registrar of the proposed .search gTLD string, would be able to strengthen its ability to act as a gatekeeper to search by controlling its competitors’ access to the gTLD comprising the same name as the market (search) that it currently dominates. With additional power as the gatekeeper of the .search gTLD string, Google would have the ability and incentive to exclude competitors in general and vertical search, while using the .search gTLD to “establish[] an **authoritative** community of websites that offer search functionality.” Amended .search Application at § 18.b.i.3 (emphasis added). *See also id.* § 18.b.iii (noting “users will recognize domains within the .search gTLD as providing search capabilities”).

Both the Amended .search Application and other public statements demonstrate Google’s ability and intent to restrict the scope of its competitors’ access. For example, Google plans “to limit registrations within the domain to the names that registrants commonly use in trade related to their provision of search-related services, possibly including restricting registrations to exact matches of trademarks.” *Id.* at § 18.b.iv. In other words, Google could prevent third parties from registering a second-level domain that is not identical to a the registrant’s trademark, reserving to Google itself the right to divert user queries for all other second-level domains—such as those using common generic terms—to itself. Also, given Google’s authority as the .search gTLD registrar to define the criteria for second-level domains, nothing would prevent Google from abusing this power to exclude many vertical search providers that compete with Google’s own vertical offerings.

Moreover, the Amended .search Application’s change to an “open-restricted” registry adds new competitive risks because it would give Google broad latitude to operate the .search gTLD string anti-competitively. Four aspects of Google’s proposed operational authority are particularly troubling to third party competitors:

- **Differential Pricing:** The Amended .search Application “reserves [to Google] the right to charge different prices for unique second-level domains within the gTLD . . . .” Amended .search Application at § 18.c.ii. Nothing would prevent Google from exercising this authority to further entrench its dominance in the general search market, and leverage that dominance into vertical search markets, by charging competitors much higher prices than Google’s own services and partners.
- **Compatibility:** Google also retains the unilateral right to impose compatibility requirements and to audit compliance by registrants absent any oversight. *See* Amended .search Application at § 19.b.iv. Again, in light of Google’s market



dominance, Google could exercise this authority to intimidate rivals and suppress innovation of rivals' second-level domain services within the proposed .search gTLD.

- **Access to Competitor Data:** While Google pledges “to ensure that third parties cannot access” information transmitted through the registry, Amended .search Application at § 18.b.v., the pledge does not preclude Google itself from retaining access to user search queries or the search provider’s responses as the registry rationalizes the requests to a competing search provider. As a result, Google may be able to target non-Google users with advertising or otherwise monetize traffic belonging to competing search providers and to collect data on the responses returned by a competitor’s proprietary search engine, thereby allowing Google to improve its own search algorithm in response. At the very least, the Amended .search Application offers Google access to a unique source of competitor data that will be denied to all other search engines. Such competitive asymmetry will create a powerful disincentive to competitors that will dissuade them from seeking a second-level domain within the .search gTLD string. This will further strengthen Google’s dominance in search because “[m]any search providers that compete with Google would consider it an unacceptable business risk to allow Google . . . to monitor their users’ search queries and related web activities, and other commercially valuable and competitively sensitive information.” ICOMP Community Objection at 14.
- **Stifling Innovation:** Google contends that its “.search gTLD will also encourage websites with search functionality to adopt common query frameworks.” Amended .search Application at § 18.b.ii.1. But Google (1) is the dominant provider of general search services; and (2) will serve as the gatekeeper to the .search gTLD registry, allowing it to define how such “common quer[ies]” must be framed or even the meaning of “search.” Accordingly, Google’s proposed method of operating the .search gTLD string will permit Google to impose its own, unique query framework onto registrants. This will stifle competition among search providers, inhibit innovation in search design, and deny access to providers that legitimately refuse to adopt Google’s unilateral view of the “correct” query framework.

#### D. Precedents

The fourth ICANN criterion evaluates whether the requested change is “similar to others that have already been approved” and whether granting the request might “lead others to request similar changes that could affect third parties or result in undesirable effects on the program.” See ICANN, [New gTLD Application Change Request Process and Criteria](#). Google’s proposed amendment clearly fails on both counts.

ICANN’s Change Request Process and Criteria indicates that the amendment process is primarily designed to correct clerical-type errors or update information that has become inaccurate





or incorrect since the time of the original application. See ICANN, [New gTLD Application Change Request Process and Criteria](#) (“ICANN reserves the right to require a re-evaluation of the application in the event of a material change,” which “could involve additional fees or evaluation in a subsequent application round.”). Indeed, the second criterion, *see supra*, reflects ICANN’s expectation that the amendment process is primarily to allow applications to correct clerical-type errors. *See supra* (asking whether “there [are] indicia to support an assertion that the change merely corrects an error.”). Similarly, the Change Request Process form demonstrates its contemplated use in updating information rendered inaccurate by circumstances by reminding applicants that “if at any time during the evaluation process information previously submitted by an applicant becomes untrue or inaccurate, the applicant must promptly notify ICANN via submission of the appropriate forms. This includes applicant-specific information such as changes in financial position and changes in ownership or control of the applicant.” *Id.*

Notably, many Change Requests granted by ICANN have fallen into these two categories. For example:

- ICANN approved a change in Question 6 of Oriental Trading Company, Inc.’s application for the .party gTLD string that substituted a different company representative as the “Primary Contact” for the application. See ICANN, [Application Update History](#) (Appl. No. 1-1274-20024).
- ICANN approved changes in Questions 6 and 7 of Lifestyle Domain Holdings, Inc.’s application for the .food gTLD string that substituted different company representatives (and email addresses) as the “Primary Contact” and “Secondary Contact” for the application. See ICANN, [Application Update History](#) (Appl. No. 1-1326-50608).
- ICANN approved changes in Questions 11(a) and 11(b) of World Trade Centers Association, Inc.’s application for the .wtc gTLD string that added and removed names from the list of the applicant’s directors and officers. See, ICANN, [Application Update History](#) (Appl. No. 1-1275-26828).
- ICANN approved changes in Questions 11(a) and 11(c) of American International Group, Inc.’s application for the .aig gTLD string that inserted names to the list of the applicant’s directors, and removed the name of a former shareholder. See ICANN, [Application Update History](#) (Appl. No. 1-1700-54316).
- Additional approved changes are to the same effect. See, e.g., ICANN, [Application Update History](#) (Appl. No. 1-1086-78534) (.wiki gTLD string Question 7); ICANN, [Application Update History](#) (Appl. No. 1-1109-42895) (.godaddy gTLD string Questions 11(a) and 11(b)); ICANN, [Application Update History](#) (Appl. No. 1-1156-50969) (.baby gTLD string Question 7); ICANN, [Application Update History](#) (Appl. No.





1-1880-48905) (.coach gTLD string Questions 6 and 7); ICANN, [Application Update History](#) (Appl. No. 1-863-45071) (.neustar gTLD string Question 6); ICANN, [Application Update History](#) (Appl. No. 1-1395-25808) (.nike gTLD string Question 6).

Google’s Amended .search Application, by contrast, identifies no clerical error or original inaccuracy. Rather the Amended .search Application materially and fundamentally changes the purpose and scope of the registry, and these changes are a principal basis for Google’s claim that ICOMP’s existing Community Objection is largely moot. *See supra*. Permitting such an amendment would encourage other applicants to materially expand their applications *after* the deadline for filing an original gTLD application, or materially alter the application *after* the objection period has expired. By thus making a new gTLD application a moving target, the precedent set by accepting Google’s amendments would encourage evasion of both ICANN’s application procedures and the dispute resolution process.

#### E. Fairness to Applicants

The fifth ICANN criterion evaluates whether allowing the change would “be construed as fair to the general community.” *See* ICANN, [New gTLD Application Change Request Process and Criteria](#). Final acceptance of the Amended .search Application’s material alteration and material expansion of the proposed .search gTLD plainly would be unfair to the .search community of general and vertical search providers.

As an initial matter, the .search community is represented by ICOMP and FairSearch.org. Both of these representative bodies submitted a Community Objection to Google’s Original .search Application. *See supra*. The Government of Australia and the GAC warned ICANN of the competitive risks posed by assigning a “common generic” term “relating to a market sector”—such as “search”—to a market participant on an “exclusive” basis. *See* GAC Early Warning ([AU-50966](#)); ICANN, [GAC Communiqué — Beijing](#), at 11 (11 April 2013) (explaining that such “closed” registry should only “serve a public interest goal.”); *supra*. By seeking to alter the primary purpose of its proposed .search gTLD string after the close of the objection period, Google’s Amended .search Application both evades these existing community and international objections and unfairly shields the materially altered proposal from further community scrutiny and criticism.

This procedural inequity is heightened by the Amended .search Application’s material expansion of the proposed .search gTLD to include a “dotless” search domain. Indeed, the timing of this material addition is clearly intended to block the .search community and other stakeholders from objecting substantively to the “dotless” domain before the Dispute Resolution Service Providers. For that reason, Google was required, by ICANN rules, to submit the “dotless” search proposal as part of its original new gTLD application. To the extent that the Amended .search Application would limit the ability of ICOMP and others to object to the application, it poses an even greater threat to the .search community (as well as to the security and stability of the Internet), *see supra*, than the Original .search Application.





## F. Materiality

The sixth ICANN criterion examines whether the change would “affect the evaluation score or require re-evaluation of some or all of the application.” See ICANN, [New gTLD Application Change Request Process and Criteria](#). As explained fully above, the Amended .search Application is both a material expansion of, and material alteration to, the Original .search Application, which raises new anticompetitive risks as well as a threat to the stability and security of the Internet. See *supra*. The Amended .search Application will thus require a completely different evaluation—including an Initial Evaluation—than the Original .search Application (and should be subjected to an additional round of community objection on the material expansion of the .search gTLD to incorporate a “dotless” search function).

For example, the addition of a “dotless” search functionality should trigger more thorough security and stability review of Google’s Amended .search Application pursuant to Applicant Guidebook § 2.2.1.3. Review under that provision “determines whether an applied-for gTLD string might cause instability to the [Domain Name System (‘DNS’)].” Because “[n]ew gTLD labels must not adversely affect the security or stability of the DNS[,] [d]uring the Initial Evaluation period, ICANN will conduct a preliminary review” for security and stability risks that may lead to “an extended review of the applied-for gTLD string . . . .” *Id.* at § 2.2.1.3.1. Because the Initial Evaluation period has passed, Google cannot, consistent with the Applicant Guidebook, now seek to amend its application to add a new destabilizing proposal to operate the .search gTLD as a “dotless” domain.

## G. Timing

The final criterion asks whether the timing of the amendment request would “interfere with the evaluation process.” See ICANN, [New gTLD Application Change Request Process and Criteria](#). As demonstrated above, the Amended .search Application is, in essence, a new gTLD application that (1) changes the principal purpose of the proposed .search gTLD string, (2) adds a significant and controversial “dotless” functionality that should trigger an additional Initial Evaluation, (3) comes well after the application deadline for new gTLDs, and (4) should be rejected by ICANN. For these reasons, ICANN should reject the Amended .search Application or, alternatively, consider Google’s materially changed amendment as a new application, and delay its review until a subsequent application round.

As the Change Request process explains, “ICANN reserves the right to require a re-evaluation of the application in the event of a material change,” which “could involve additional fees or evaluation in a subsequent application round.” See ICANN, [New gTLD Application Change Request Process and Criteria](#); see also Applicant Guidebook § 1.2.7. Google’s Amended .search Application constitutes both a material change and material expansion. See *supra*. The material expansion alone requires a new Initial Evaluation, see *supra*, and should have been filed as an original gTLD application. The material change to the proposed gTLD’s purpose, moreover, directly addresses—but does not ameliorate—the existing Community Objections. See *supra*. Taken together, the



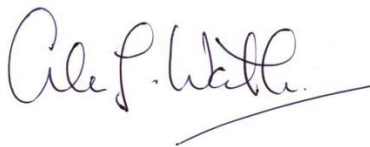
.search community should be permitted the full opportunity to address the materially new Amended .search Application.

Additionally, on 28 May 2013 ICANN commissioned further study on the security and stability concerns that the SSAC Report identified with respect to “dotless” domains. See ICANN Announcement, [Security Studies on the Use of Non-Delegated TLDs and Dotless Names](#) (May 28, 2013). Moving forward with consideration of the Amended .search Application before that study is completed could result in conflicting determinations regarding “dotless” domains (e.g., approval of Google’s Amended .search Application within the new gTLD process, and ICANN separately accepting SSAC’s recommendations against “dotless” domains).

\* \* \*

As the foregoing makes clear, the Amended .search Application does not satisfy any of the ICANN Change Request criteria. ICANN should reject the Amended .search Application for that reason. Furthermore, the stability and security threat posed by Google’s newly proposed “dotless” domain requires rejection of the Amended .search Application.

Sincerely,



Lord Alan Watson  
ICOMP Chairman

[www.i-comp.org](http://www.i-comp.org)

ICOMP members include:

