



April 4, 2013

Via Electronic Mail

**comments-draft-picdrp-15mar13@icann.org**

**Re: Public Comment on ICANN Registry Agreement by Google Inc.**

Google Inc. respectfully provides the following comments in response to the Public Interest Commitments Dispute Resolution Process ("PICDRP") as detailed in Specification 11 of the February 5, 2013 Draft of the Registry Agreement.

Google appreciates ICANN's efforts to create an effective and efficient resolution of issues relating to non-compliance with a Registry's Public Interest Commitments. However, we believe that the PICDRP is too complicated a process to accomplish ICANN's desired goals.

Creating an additional process on top of ICANN's existing processes opens the door for multiple conflicting interpretations of the Registry Agreement and Public Interest Commitments by third parties. Such uncertainty is unnecessary as the existing Registry Agreement already possesses an efficient framework to enforce compliance with Public Interest Commitments. If ICANN would allow applicants to commit via the Registry Agreement to adhere to agreed upon Public Interest Commitments, ICANN can use its existing enforcement mechanisms to ensure that Registries live up to their obligations. Using the revenue brought in by the influx of new Registry fees, ICANN has the financial support to establish and maintain a consistent procedure it thinks it is appropriate within the bounds of the Registry Agreement. To that end, ICANN could also create a dedicated complaint mechanism in which third parties can report contractual violations by Registries.

In support of ICANN managing the enforcement of Public Interest Commitments, we therefore propose the following revision of Section 2 of the Registry Agreement:

**2.19 Additional Commitments.** Registry Operator agrees to operate the registry for the TLD in compliance with the additional commitments set forth in Specification 11 of this Agreement.

We also propose the following revisions to Specification 11:

2. Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN.

[Registry Operator to insert specific application sections here, if applicable]

3. Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry) that do not otherwise violate applicable laws.

[Registry Operator to insert specific application sections here, if applicable]

We encourage ICANN to maintain control of the process of Public Interest Commitments so that the new gTLD program can move forward as expeditiously and with as minimal third party confusion as possible.

Sincerely,



Halimah DeLaine Prado  
Director, Legal  
Google Inc.