

VIA E-MAIL

March 6, 2013

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehadé, President & CEO
Mr. Cherine Chalaby, Chair of the New gTLD Committee
Internet Corporation for Assigned Names and Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: Closed Generic Top-Level Domains (TLDs)

Dear Dr. Crocker and Messrs. Chehadé and Chalaby:

We are writing to express our concern, also expressed by Australia and Germany, in their respective Early Warnings, about the problem of private, exclusive ownership of closed generic TLDs. As you are aware, a small number of companies have applied for TLDs that consist of generic industry categories and seek to control them in closed fashion. Examples of generic TLDs that are being pursued as closed include .app, .book, .insurance, .jewelry, and .search among others. This situation threatens the openness and freedom of the internet and we believe it will harm internet users worldwide. These applications present a competitive threat to other companies and are likely to mislead consumers.

If ICANN allows closed generic TLDs to proceed, competition will suffer. The companies at issue will be positioned to gain unfair advantage in direct navigation and online search; will become associated with the very genus of products they offer; and will likely control their generic TLDs perpetually since the registry agreements permit unlimited automatic renewal in ten-year terms. If ICANN allows closed generic TLDs to proceed, the internet will change from its current fluid form to an assortment of "walled gardens." This privatization of the internet does not benefit consumers. Consumers who are searching for songs, books, blogs, apps, insurance, or jewelry want choice, not solely the product or service of a single company.

Part of what has contributed to the vibrant growth of the internet is the ability of consumers to transcend physical boundaries to share information and find economic opportunity worldwide. Ownership of generic industry categories as closed TLDs by industry players is likely to have anticompetitive impacts and limit consumer choice across the internet. As a solution, we propose that ICANN deny applications for these closed registries or require that they operate as open registries, allowing free access to competitors.

In light of the foregoing, we respectfully ask the Board to require applicants for closed generic TLDs to either open the TLD or withdraw for a full refund.

Thank you for your consideration. If you have questions or wish to discuss any of the points raised herein, please contact Jeremy Gordon at jgordon@thoughtworks.com.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jeremy Gordon', with a stylized flourish at the end.

Associate General Counsel
ThoughtWorks, Inc.