

TO:

- **Neelie Kroes**, *Vice President of the European Commission and European Digital Agenda Commissioner*
- **Thomas Kramler**, *DG Competition at European Commission*
- **Jeanne Foucault**, *DG Competition at European Commission*
- **Per Hellström**, *Head of Unit C3: IT, Internet and consumer Electronics*

FROM:

- **Avant Browser**
- **Flock**
- **GreenBrowser**
- **Maxthon**
- **Sleipnir**
- **SlimBrowser**

SUBJECT:

URGENT PETITION

Dear Ms. Kroes, Mr. Kramler, Ms. Foucault and the European Commission,

We are writing today with an urgent request on behalf of the browsers appearing on the Microsoft Browser Choice Secondary Screens (Avant Browser, Flock, Green Browser, Maxthon, Slim Browser, and Sleipnir). First, each of us wishes to communicate that we are thankful for the opportunity to participate in the Browser Choice Program. Second, it is clear that the final Choice Screen design leaves the vast majority of users unaware that there are more than five browsers to choose from. This is inconsistent with the EU Commissions' stated goal for the Choice Screen -- to provide European consumers with "information on the 12 most widely-used web browsers and to allow users to easily download and install one or more of these web browsers".

It was our collective expectation that some sort of assistance would be offered to users receiving the choice screen to make them aware of the fact that there are more than five browser choices and that there is more to see "to the right of the visible screen". The only element on the page, as currently designed, which reveals that there are more than 5 browsers to consider, is the non-standard horizontal scroll bar at the bottom of the window (which is extremely hard to see with many window styles and monitor settings).

Please know that we are not suggesting any major reevaluation or redesign of the Choice Screen at this time. We are only requesting the simple addition of *any* text or design element, that would indicate to an average user that there are choices "to the right of the visible screen". Since it is the stated intent of the EU commission to encourage user discovery and consideration of the 12 qualified browsers, and not only the top 5 largest

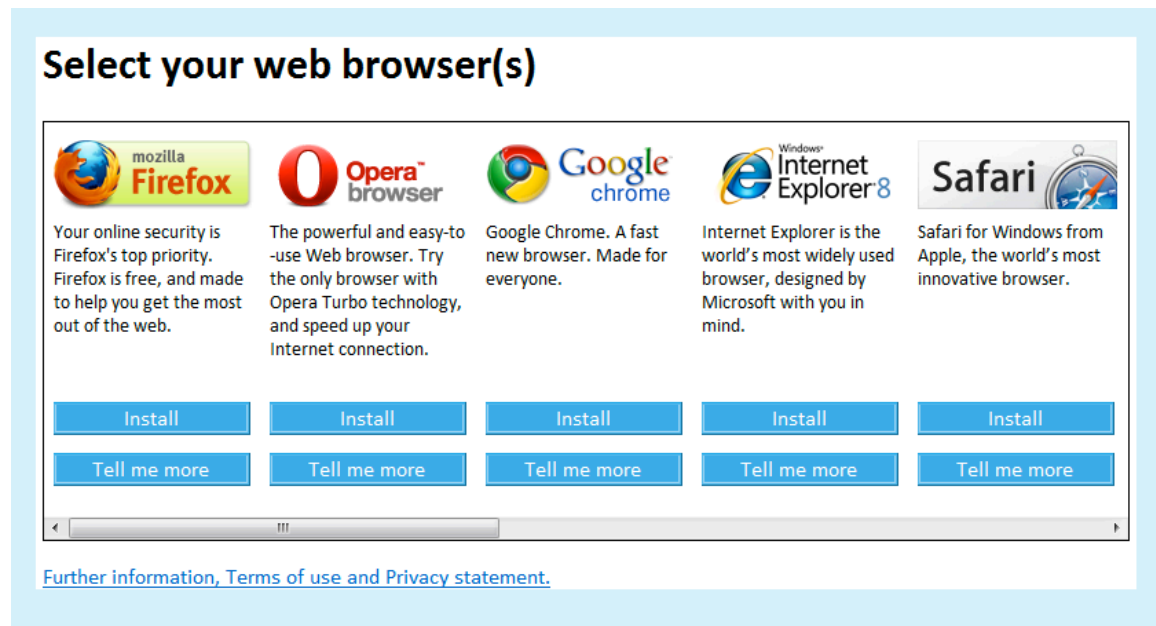
browsers, we are writing today to formally request that you consider any of the following suggestions which could be easily and quickly implemented and would allow users to exercise choice.

- Change Choice Screen Title Text: "Select your web browser(s) from the following 12 choices"
- Indicate in regular text in the upper or lower right of the screen: "more browsers to the right"
- Add a graphical right pointing arrow in the upper or lower right of the screen indicating more can be found off the screen
- Add text anywhere on the page which states "scroll to the right to see all the options available"
- Add a small colored "graphical element" on the far right of the window which is peeking out and into the main / primary window, but connected to the second window - encouraging users to "click to see additional choices"

Given Microsoft's estimates, up to 192M machines will have received the Choice Screen update as soon as the end of April. Therefore, moving quickly to resolve this matter is essential in helping European users discover and consider the full range of browsers as the Commission intended.

Each of the browser companies included in the secondary Choice Screen were officially informed of our selection to participate in December of 2009, at the close of the last period of comments. As you know, our feedback in 2009 through several open comment periods was focused on being included in the program. We did not have the opportunity to offer any Browser Choice screen design feedback in the context of our inclusion and during an open comment period. And, since the largest 5 browsers were aware of their inclusion on the main screen throughout the last two open comment periods, it is not altogether surprising that no text or graphical elements indicate that there are choices "to the right of the visible screen".

If none of the simple changes proposed herein are taken, rest assured that the vast majority of users receiving the Choice Screen will remain unaware that there are more than 5 choices and that almost all the downloads delivered across those opting into the program will come from the first pane shown below.



To restate, our only request at this time is the simple addition of *any* text or design element that would indicate to an average user that there are choices "to the right of the visible screen".

Finally, please know that we have already taken this issue and our request directly to Microsoft and have been informed that "we (Microsoft) do not plan on making any changes at this time." We note that Microsoft is obliged to make adjustments to the implementation of the choice screen upon the Commission's request and that the Commission wisely reserved this right to fix any unexpected problems that may arise

(<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/582>).

Time is of the essence and we urgently request that you use the Commission's powers to quickly address the Choice Screen design problem highlighted above, and in so doing enable user discoverability and user choice that includes and extends beyond the "Big 5" browsers on the main screen.

If there is anything that any of us can do to assist in addressing this critical issue, please let us know. Thank you in advance for your serious consideration of this matter and for receiving this note in the same constructive spirit in which it is being offered. We look forward to your favorable response to our proposal herein.

Respectfully,

- Jeff Chen, CEO **Maxthon**
- Stephen Cheng, President, FlashPeak **SlimBrowser**
- Anderson Du, CEO **Avant Force**
- Shawn Hardin, CEO **Flock**
- Yasuhiro Miki, Overseas Marketing, **Sleipnir**
- LongFeng Ran, **GreenBrowser**