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July 15, 2010

Peter Dengate Thrush, Chairman
Members of the Board of Directors
The Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601

Re: Employ Media LLC's Proposed Amendment to .jobs Registry Agreement

Dear Chairman Dengate Thrush and Members of the Board:

I am writing on behalf of Monster Worldwide, Inc. with respect to Employ Media LLC's proposed amendment to Appendix S of the .jobs Registry Agreement.

Monster pioneered the business of digital recruiting in 1994, and today operates on a global basis with a presence in approximately 50 countries. We have a vast amount of experience working with job seekers and employers to develop and provide effective, efficient and secure online recruitment solutions.

Monster appreciates the opportunity to comment on Employ Media's proposed amendment. While we are unclear on ICANN's approval process at this stage, we trust that ICANN will conduct a thorough review of the proposed amendment, its history and its potential implications to all constituencies. Monster has significant procedural and substantive concerns regarding Employ Media's proposal, and we believe strongly that ICANN should reject the proposed amendment. There has been a lack of transparency on this initiative, which proposes to grant unlimited decision-making authority to a single entity—Employ Media—that stands to reap significant financial benefits and has already exhibited and continues to exhibit a lack of regard for the commitments it has to ICANN. Approval of the proposed amendment would be inconsistent with ICANN's core values of employing open and transparent policy development mechanisms that promote well-informed decisions based on expert advice, and making decisions by applying documented policies neutrally and objectively, with integrity and fairness.

Employ Media is proposing a complete overhaul of the .jobs sponsored Top-Level Domain ("sTLD") with a proposed new provision that is startling in its breadth: "Domain registrations are permitted for other types of names (e.g., occupational and certain geographic identifiers) in addition to the 'company name' designation." Moreover, Employ Media's proposed methods for allocating domain names are not clearly defined. Employ Media proposes that it may allocate domain names using the following methods: "1) Request for Proposals (RFP) to invite interested parties to propose specific plans for registration, use and promotion of domains that are not their company name; 2) By auction that offers domains not allocated through the RFP process; and 3) A first-come, first-served real-time release of any domains not registered through the RFP or auction processes (sic)." As discussed below, it does not appear that Employ Media has any intention of allocating any non-"company name" domain names to third parties, other than

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perhaps to DirectEmployers Association, Inc. as part of the continued “building out” of “The Dot Jobs Universe” that has been occurring since 2009 in contravention of the .jobs Registry Agreement and Charter.

When Employ Media was provided the opportunity to explain to the .jobs Policy Development Process (“PDP”) Council its reasons for its proposed amendment, the explanation was remarkably devoid of any substance. According to the minutes of the April 9, 2010 meeting of the PDP Council, the CEO of Employ Media merely explained that “Employ Media has submitted the current proposed amendment because it believes that Employ Media may use and register non-‘companyname’ domain names in the best interests of the international human resource management community, so long as Employ Media maintains adherence to the .jobs Charter that is enforced.”

Monster’s reasons for commenting are not the result of any competitive pressures that might arise from Employ Media’s proposed amendment. Competition in the online recruitment space is already intense, with tens of thousands of online job boards already in existence. Rather, we believe that ICANN must reject the proposed amendment for the following reasons:

- Employ Media and DirectEmployers Association have been blatantly disregarding the .jobs Registry Agreement since 2009, acting as if they have free reign with the .jobs sTLD and calling into question whether Employ Media should continue to be trusted with the significant responsibility of acting as registry operator for the .jobs sTLD. We urge ICANN to review the materials located at <http://www.universe.jobs> describing “The Dot Jobs Universe” and detailing the steps that were taken by Employ Media and DirectEmployers Association during an eight-month “beta test”. Those past actions, as well as the plans for further “building out” the .jobs sTLD, are contrary to the Registry Agreement’s unambiguous, fundamental limitation on .jobs domain registrations to the legal name of an employer and/or a name or abbreviation by which the employer is commonly known.¹
- While Employ Media and DirectEmployers Association go to great lengths to answer questions that have arisen regarding their plans, their relationship and the process they have followed – see for example the White Paper and “informational” video located at The Dot Jobs Universe site – their answers are disingenuous. Using careful wording, they gloss over the fact that they have been disregarding the .jobs Registry Agreement. They state that the “agreement” between DirectEmployers Association and Employ Media is non-exclusive, allowing Employ Media to continue to accept ideas and proposals from interested parties in the human resource community. That statement rings hollow, however, as Employ Media has stated that it will likely restart the “beta test” if

¹ It should also be noted that according to the minutes of the April 9, 2010 PDP Council meeting, a member of the PDP Council was able purchase the domain name michiganhospitals.jobs over two years ago with the intent of using it as a consolidated applicant search site, suggesting that the disregard of the .jobs Registry Agreement commenced even earlier than 2009.

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its proposed amendment is approved, and that it is not Employ Media's intent to provision or allocate non-"company name" domain names.² This is consistent with the claims made on The Dot Jobs Universe site, where it is presented as a foregone conclusion that DirectEmployers Association will control non-"company name" .jobs domain names in the future: "DirectEmployers Association is powering hundreds of thousands of sites comprised of every niche, occupation, and geographic domain in the .jobs toplevel domain (TLD) and creating a unified platform to serve employers and job seekers."³ Remarkably, the proposed cost and prominence of job postings to be posted in the .jobs "universe" is tied to membership in DirectEmployers Association, and information is provided about how to contact DirectEmployers Association for membership.⁴ While Employ Media and DirectEmployers Association tout their transparency and outreach for Human Resource community feedback, it is clear that they have only been transparent between themselves, and to some extent with DirectEmployers Association's member companies. The relationship and agreement between Employ Media and DirectEmployers Association remains unclear and should be reviewed thoroughly by ICANN.

- ICANN conducted an extensive review process for the .jobs sTLD in 2004 – 2005, utilizing "an independent panel of experts with substantial knowledge of relevant technical, business/financial and policy areas ... to review and evaluate the applications."⁵ The result of that extensive process was a Registry Agreement and Charter with strict limitations on the use of the .jobs sTLD, including a limitation that ".jobs domain registrations are limited to the legal name of an employer and/or a name or abbreviation by which the employer is commonly known."⁶ The resulting Registry Agreement and Charter were entirely based on that premise. As just one example, Appendix S of the Registry Agreement notes that the limited scope of the current Agreement and Charter alleviates concerns about potential trademark infringement. It would be inappropriate to approve Employ Media's proposed amendment without reviewing all aspects of the Registry Agreement and Charter through the lens of Employ Media's proposed transformation of the .jobs sTLD.
- While Monster does not deem new job boards managed by Employ Media and/or DirectEmployers Association to be any more of a competitive threat than the tens of thousands of job boards already in existence, it would be unjust for ICANN to permit Employ Media to transform the .jobs sTLD into a new category of competitors to existing

² See <http://www.policy.jobs> ("Approval of the proposed amendment confirms that Employ Media has the authorities identified above. Such authority is broad enough to cover the workings of the shared domain beta test, and Employ Media would likely restart the shared domain beta." (emphasis added); "While it is not Employ Media's current intent to employ any of these industry-standard or industry non-standard ways of provisioning/allocating domains, Employ Media will remain open to all proposals regarding .jobs domains, so long as the scope of the .jobs Charter is maintained." (emphasis added))

³ See <http://www.universe.jobs/faqs.html>.

⁴ See <http://www.universe.jobs/faqs.html>, FAQs 5 and 6.

⁵ *Status Report on the sTLD Evaluation Process* (www.icann.org/en/tlds/stld-apps-19mar04/stld-status-report.pdf) at page 5.

⁶ .jobs Registry Agreement, Appendix S.

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job boards, with Employ Media having discretion to allocate domain names and/or use them to compete for its own profit as it sees fit.

- The Society for Human Resource Management (“SHRM”) is the sponsor under the current Registry Agreement and Charter. While SHRM may have been an appropriate sponsor for a system where only company names could be used for purposes of internal hiring purposes, ICANN should closely review whether SHRM is an appropriate sponsor to evaluate Employ Media’s proposed amendment and to help enforce any resulting amended Registry Agreement and Charter. The community that would be affected by Employ Media’s proposed amendment is significantly broader than the original sponsored community. Moreover, we note that according to the minutes of the April 28, 2010 meeting of the PDP Council, in response to a question during the meeting regarding complaints in 2009 about Employ Media violating the Charter, a representative of SHRM noted that “SHRM was aware of what Employ Media was doing and did not take action because in SHRM’s opinion it did not violate the Charter.”
- The PDP Council appears to have focused on a narrow question: “If done the right way, would the use of non-‘companyname’ domains of .jobs be of benefit for the human resource community?” (emphasis added).⁷ Neither the Council nor SHRM fully explored the implications of providing Employ Media with such sweeping authority over the process, and certainly no detailed discussions were held regarding appropriate contractual or Charter limitations. Although the Council contemplated asking Employ Media about its financial interest in the proposed amendment, it noted that it never had the opportunity to ask this question.⁸ When the Council discussed Employ Media’s interests at a subsequent meeting, a representative of SHRM noted that “it is not reasonable for Employ Media or the Council to know what their business will look like in future years.”⁹ When the Council discussed whether it should consider who might ultimately own the domain names allocated by Employ Media, a representative of SHRM stated that while it is fair to weigh that consideration if it is important to the HR profession, “the ownership method is not the Council’s ultimate concern.”¹⁰
- It is likely that smaller or regional job boards would be the most adversely and unfairly affected by the proposed amendment. There are thousands of online job boards with names like [type of occupation]jobs.com and [name of city]jobs.com. Employ Media simply cannot be permitted to now transform the .jobs sTLD into a wide open territory that it controls, including the ability to sell, use or otherwise exploit the [type of occupation]jobs and [name of city]jobs domain names.
- The proposed amendment would harm job seekers by adding complexity to their job search. With tens of thousands of online job boards already in existence, it is unclear why another category of job boards under the .jobs sTLD would be beneficial to job

⁷ See minutes of the April 9, 2010 PDP Council meeting.

⁸ See minutes of the April 9, 2010 PDP Council meeting.

⁹ See minutes of the April 28, 2010 PDP Council meeting.

¹⁰ See minutes of the April 28, 2010 PDP Council meeting.

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seekers or employers or how it would enhance competition. Rather, it seems certain to create confusion among employers and job seekers while having a negligible impact on overall competition in an already competitive market. DirectEmployers Association itself has claimed that its efforts will lead to millions of geographical .jobs domain names coming online.¹¹ It is difficult to imagine how anyone other than Employ Media and DirectEmployers Association will benefit from the addition of millions of new job boards.

- Given the abundance of existing job boards, ICANN should evaluate whether there is a meaningful potential use for the .jobs sTLD, or whether the vast expansion proposed by Employ Media would simply create a rush for a multitude of defensive registrations.
- Expansion of the .jobs sTLD could invite unsavory or criminal actors who may use these new domains to impersonate legitimate job boards, employers or governmental or regional authorities. In turn, this could result in increased incidence of the theft of personal information or luring job seekers into unwittingly engaging in criminal activity, such as laundering money or re-shipping stolen goods. While DirectEmployers Association claims that the .jobs “universe” will be for use by legitimate employers only, it is highly unlikely that Employ Media and/or DirectEmployers Association will have the resources or incentive to adequately enforce such policies on a global basis.

In sum, we believe that a thorough review of the proposed amendment is necessary, and we welcome the opportunity to participate in that process. Members of our senior management team would be more than happy to meet with representatives of ICANN to discuss this matter in detail. Please feel free to contact me if you have any questions. Thank you again for the opportunity to provide these comments.

Very truly yours,



Salvatore Iannuzzi
Chairman of the Board, President and
Chief Executive Officer

¹¹ “Soon hundreds of thousands (and, eventually, millions) of geographical .jobs domain names will come online,” boasts the website, Universe.jobs.” (See <http://www.ere.net/2009/11/10/a-universe-of-jobs-job-boards-is-set-to-launch>.)

“DirectEmployers Association is powering hundreds of thousands of sites comprised of every niche, occupation, and geographic domain in the .jobs toplevel domain (TLD) and creating a unified platform to serve employers and job seekers.” (See <http://www.universe.jobs/faqs.html>.)