



AMERICAN COUNCIL OF ENGINEERING COMPANIES

1015 15TH STREET, NW, 8TH FLOOR, WASHINGTON, DC 20005-2605

July 13, 2010

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

RE: Opposition to Employ Media Request to Change sTLD Charter

Dear Chairman Dengate Thrush and Members of the Board:

The American Council of Engineering Companies (ACEC) is the voice of America's engineering industry. Council members – numbering more than 5,100 firms throughout the country – are engaged in a wide range of engineering works that propel the nation's economy, and enhance and safeguard America's quality of life. These works allow Americans to drink clean water, enjoy a healthy life, take advantage of new technologies, and travel safely and efficiently. The Council's mission is to contribute to America's prosperity and welfare by advancing the business interests of member firms. The ACEC Job Board (jobopenings.acec.org) is ACEC's career center and we have been operating since September 2005. We began the board to assist engineering firms and employees impacted by Hurricane Katrina and the board has grown by leaps and bounds. We are a founding member of the Engineering & Science Career Network, a partnership of job boards representing engineering and science associations from across the country.

I am writing on behalf of ACEC, our Job Board and the Engineering & Science Career Network to urge you to reject Employ Media's request for authority to permit second level registration of strings that do not correspond to an employer's name in the .jobs sponsored top level domain. ACEC and the Job Board, which would be directly and adversely affected, opposes the unilateral expansion of the .jobs charter to encompass regional and industry-specific second-level registrations.

Under the terms of ICANN's request for proposals for new sTLDs dated 15 December 2003 (the "sTLD RFP"), applicants – including Employ Media – were required to demonstrate that the proposed sTLD addresses the needs and interests of a clearly defined community (the Sponsored TLD Community). In addition, applicants were required to demonstrate that the policy-formulation procedures for the sTLD operate primarily in the interests of the Sponsored TLD Community, and that the proposed sTLD enjoys broad based support of the Sponsored TLD Community.¹

In its application, Employ Media proposed to serve the needs of human resources professionals responsible for human resources management in the corporate setting, and pledged to maintain .jobs as "a name space for employers."² The limited nature of the .jobs Sponsored Community is

reflected by the applicant's commitment to limit registrations to the legal name of an employer and/or a name or abbreviation by which the employer is commonly known. According to the sTLD Application, "due to restrictions set forth in this proposal, a registration in the .jobs sTLD will be associated with an employer,"³ and Employ Media committed to prohibit registration of occupational and industry, and geographic identifiers."⁴ The bottom line is that as proposed by Employ Media and approved by ICANN, the .jobs sTLD is intended to serve HR professionals and recruiting firms representing direct employers only, in each case by using the legal name of such employers as a registration at the second level. That community does not include online employment services providers like ACEC and our Job Board, nor did Employ Media demonstrate the support of online employment services providers in connection with the .jobs sTLD Application.

Employ Media's current request for authority to permit the "registration, use, and promotions of domains that are not the company names of the registrant"⁵ would fundamentally alter the Sponsored Community for the .jobs sTLD and eliminate its pledge not to create second level registrations of regional and industry-specific job boards. Employ Media did not attempt to demonstrate the support of online employment services providers and their vendors, and in fact went out of its way to avoid contacting job board operators about the proposed expansion.⁶ This is not surprising, given that Employ Media intends to add second level registrations that will be confusingly similar to established job boards.

As a material change to the .jobs Registry Agreement, this request must be reviewed by the ICANN Board based on applicable criteria from the sTLD RFP. Under those criteria, the request should be rejected as an attempt to "route around" the sponsorship eligibility requirements in the sTLD RFP and the protections built into the .jobs Registry Agreement to prevent "abusive registration activities and other activities that affect the legal rights of others."⁷ Approval of the .jobs Phased Allocation Program would threaten the integrity of the RSEP process and undermine the credibility of ICANN's commitments in connection with the introduction of new top level domains in general.

Sincerely,



Mary Ann Emely
Vice President, Operations & Membership
American Council of Engineering Companies

¹ <http://www.icann.org/en/tlds/new-stld-rfp/new-stld-application-parta-15dec03.htm>

² sTLD Applicant responses to request for further information, at page 48 of 177

<http://www.icann.org/en/tlds/stld-apps-19mar04/PostAppC.pdf>

³ Id.

⁴ Id.

⁵ <http://www.icann.org/en/registries/rsep/jobs-proposal-09jun10-en.pdf> (hereinafter, Employ Media RSEP Request")

⁶ Id.

⁷ .jobs Registry Agreement, Appendix S Part VII: Other Provisions (2. "Community Value Criteria")