



July 15, 2010

## **Employ Media Response to RSEP comments for the Public Record**

Employ Media respectfully submits the following comments to proactively respond to some of the misguided and unsubstantiated allegations that have been submitted by those opponents to the .JOBS RSEP proposal. As set forth in the responses below, Employ Media believes that the ICANN staff made the proper decision when it determined that there were no security, stability and/or significant competition issues in connection with this RSEP proposal and urges the ICANN Board to timely approve the proposed contractual changes per the terms of the .JOBS Registry Agreement.

### **There is NO CHANGE to the .JOBS Charter**

The charter for the .JOBS registry is set forth in Appendix S, Part I of the Registry Agreement, and a copy is attached. Despite repeated and unsubstantiated claims about Employ Media changing its charter, the original .JOBS Charter has remained unchanged since it was originally executed in 2005, and nothing in this RSEP is proposing to change it now. Any comments with regard to the RSEP request in any way changing the Charter are completely false. The only contractual changes that Employ Media is proposing to make are in connection with Appendix S, Part VII (Additional Provisions) as already identified and preliminarily approved by the ICANN staff in the RSEP proposal.

### **There is NO CHANGE to the .JOBS Community**

The .JOBS Charter defines the Community as:

“...the international human resource management community (the “Community”).  
“Human resource management” is the organizational function that focuses on the management and direction of people. The Community consists of those persons who deal with the human element in an organization – people as individuals and groups, their recruitment, selection, assignment, motivation, compensation, utilization, services, training, development, promotion, termination and retirement.”

The definition and scope of the .JOBS Community is not changed in any way by the RSEP request - it is neither being broadened nor restricted, and remains unchanged since the inception of .JOBS. Any comments with regard to the RSEP request in any way changing the Community are completely false.

The desperation of some opponents to impede the .JOBS RSEP proposal is evident by the selective use of responses filed by Employ Media to questions during the 2004 sTLD application process to imply that the .JOBS community has somehow changed. One such selective use of this text is by opponents citing Employ Media’s pledge to maintain .JOBS as a “name space for employers.” However if these

opponents would have read the remaining paragraph from which they have selectively quoted, it would be clear that there has been no change to the .JOBS community:

The .jobs TLD is to connote jobs. It is to be a name space for employers. Or more specifically, the Community of members tasked to carry out the very distinct organizational mission of communicating employment opportunities and benefits of the organization. This communication is a common mission that transcends size, location, products, services, or whether designated for –profit or non-profit. Jobs are the product that the Community needs to market on behalf of its employer. Community focus is not to market commerce, airports, museums, individual names, not-for-profits, or cooperatives. **The focus is to bring jobs to the marketplace and the .jobs TLD provides an exact navigational identifier to provide employment related purposes not fulfilled by the intended mission or purpose of any other TLD. The message makes .jobs distinct and differentiated.** (emphasis added)

Another attempt by opponents to selectively lift language from the 2004 application and misconstrue it is evidenced by the following quote contained in many of the form letters submitted to the ICANN public forum, “the jobs sTLD will be associated with an employer.” What these commentators fail to mention is that this text was lifted in response to the section entitled “Assurance of charter-compliant registrations and avoidance of abusive registration practices,” and that the full text of that section reads:

Namely, due to restrictions set forth in this proposal, a registration in the .jobs sTLD will be associated with an employer, and more particularly the HR aspects of an employer (and still more likely job postings). Each such matter would likely be highly fact-specific, however, and is more adequately addressed in a UDRP action or litigation.

Employ Media’s exemplary management of the .jobs Charter in its role as registry operator has in practice resulted in zero UDRP filings in connection with .JOBS domain name registrations since its entry into the root. As stated above the .JOBS Community has not changed, and Employ Media stands by the Charter definition set forth in its Registry Agreement for the last five years.

Of note, many detractors want to shift focus away from the actual contract (and the RSEP) and onto the original .JOBS sTLD application from 2004, hoping to create inconsistencies which simply do not exist. They want ICANN staff and the Board to ignore the consistency which exists between the actual contract, including the Charter and Community (quoted above), and the same topics addressed in the 2004 application (quoted below):

The Community to be Served

As set forth in the .jobs charter (the "Charter"), a copy of which is available upon request, the .jobs sTLD will be established to serve the needs of the international human resource management community (the "Community"). As used herein, "human resource management" is the organizational function that focuses on the management and direction of people. The Community consists of those persons who deal with the human element in an organization - people as individuals and groups, their recruitment, selection, assignment, motivation,

compensation, utilization, services, training, development, promotion, termination and retirement.

A key component to the Community is identification of the members of the Community who are qualified to apply for a registration of a .jobs sTLD. As detailed further in the Charter, a .jobs sTLD registration will only be issued in response to an application which is submitted by a qualified applicant (there are other restrictions to registration, but these restrictions are discussed elsewhere in this application). A qualified applicant ("Qualified Applicant") is a person who is (a) a member of SHRM; or (b) engaged in human resource management practices that meet any of the following criteria: (i) possess salaried-level human resource management experience; (ii) are certified by the Human Resource Certification Institute; or (iii) are supportive of the SHRM Code of Ethical and Professional Standards in Human Resource Management, as amended from time to time (the "Code").

The key is that the Community and its scope is defined in the Charter and remains unchanged, regardless of detractor's attempts to assign additional restrictions or definitions to the Community (such comments attempting to infuse restrictions such as "corporate" or "employers" or "companyname" into the scope of the Community) which simply only exist in the detractor's minds, not in the agreement and documents which govern this RSEP.

A repeating theme in almost all of the detractor's comments is an attempt to go beyond the language of the .jobs agreement, and beyond the language of the RSEP, to ascribe additional meanings/restrictions which do not exist in the status quo except to further their arguments. Employ Media implores the ICANN Board to look beyond the detractor's attempts to obfuscate and create "facts" out of thin air, and instead focus on the language of the .jobs agreement and the RSEP process itself.

### **Changes in .JOBS Naming Conventions are Permitted under the Registry Agreement**

The .JOBS registry agreement, and the operation of the .jobs sTLD in general, is dynamic, not static. Many detractors, who seek to force Employ Media to forever maintain the same business model and naming conventions, even to the detriment of the Community, fail to see that change is contemplated throughout the document. The existence of this RSEP process is a perfect example.

The dynamic nature of a top level domain agreement amendment via the RSEP process is deeply ingrained. Over the last several years ICANN has approved numerous RSEP requests from Registry Operators seeking to allocate previously reserved domain names.<sup>1</sup> Not one detractor has brought forth

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<sup>1</sup> See RSEP 2006004 /.NAME (Limited Release of Initially Reserved Two-Character Names); RSEP 2007001/.CAT (Domain name exceptions (release of UB.cat, UV.cat, UA.cat); RSEP 2007002/.JOBS (Release of Initially Reserved Two-Character Domain Names); RSEP 2007005/.COOP (Domain Name Exception – go.coop); RSEP 2008003/.PRO (Release of Three-Character Numeric Names); RSEP 2008005/.COOP (Release of Single and Two-Character Domains); RSEP 2008006/.MOBI (Release/Allocation of Single-Character Names); RSEP 2008010/.BIZ (.BIZ 1 and 2 Character Marketing Proposal); RSEP 2008011/.MOBI (Release/Allocation of Two-Character Names); and RSEP 2009002/.PRO (Release and Allocation of One, Two and Three Character Names);

any legitimate reason why the ICANN Board should treat the current RSEP request any differently than these other RSEP requests.

Unique to the .jobs agreement, however, are other examples of contemplated change; for instance, Appendix S, Part IV, expressly states:

“The Registry Operator may from time to time introduce new categories of domain registrations, consistent with the Charter and in compliance with the provisions of this Sponsored TLD Registry Agreement. Registry Operator reserves the right to introduce additional start-up plan(s) for any such introductions.”

Appendix S, Part VII (“Community Value Criteria”) expressly identifies geographical and industry vertical names and notes that in the event such names “are made available for registration...[such names] would require approval as set forth in this Agreement...”. Appendix S, Part VII (“Policy Making and Differentiation”) states quite plainly that policy changes are “revisable/amendable via the policy making process described herein.”

.JOBS is perhaps unique in that the .JOBS Registry Agreement contains a specific and explicit mechanism and process for bringing about change.<sup>2</sup> And indeed Employ Media DID follow this process. Employ Media submitted a proposal regarding change to .JOBS naming conventions to the .JOBS PDP Council – a Council administered independently by SHRM, the sponsoring organization to the .jobs sTLD. This change was approved by the .jobs Policy Council (in the specific scope of serving needs of the HR community as prescribed in the Charter) prior to Employ Media’s submission of its RSEP request to ICANN.

### **The .JOBS PDP Council Followed the Terms Set Forth in the .JOBS Registry Agreement to Effectuate Change**

The .JOBS registry contract states that The Society for Human Resource Management (SHRM) shall serve as the policy delegate with respect to the .JOBS sTLD. Employ Media made this delegation because SHRM is the world’s largest association devoted to human resource management representing more than 250,000 members in over 140 countries. The policy development process that forms the basis of the Employ Media RSEP proposal was administered independently by SHRM in accordance with the following requirements set forth in Section 3.1(g) of registry agreement:

*(i) publish such standards, policies, procedures, and practices so they are available to members of the sponsored TLD community;*

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<sup>2</sup> Appendix S, Part VII (3. Policy-Making and Differentiation) (“Policy-Making”) sets forth that “[a]dditional policies and modifications to current policies will be created, reviewed and accepted/rejected as explained below.” The section goes on to state, *inter alia*, that SHRM will create and oversee a Policy Development Council consisting of representatives from the Community. The Council reviews and votes on proposed changes. A Staff Manager creates an Issue Report to assist the Council in their deliberations. Both SHRM and Employ Media need approve any change approved by the Council before such change may go into effect.

SHRM operates the .JOBS Policy website available at <http://www.policy.jobs>. Employ Media publishes certain standards, policies, procedures, and practices as embodied by SHRM at its web site located at <http://www.goto.jobs/policies.asp> which also contains links to same at the SHRM.org web site.

*(ii) conduct its policy-development activities in a manner that reasonably provides opportunities for members of the sponsored TLD community to discuss and participate in the development of such standards, policies, procedures, or practices;*

SHRM is responsible for the independent administration of the .JOBS PDP Council. The Council is comprised of a large cross section of HR professionals as prescribed in Employ Media's contract with ICANN. In March, 2010 at the request of ICANN, Employ Media formally confirmed to ICANN that the sponsoring organization for the .JOBS sTLD, SHRM, independently created a Policy Development Council to engage in the ongoing policy development process as detailed at Appendix S of the Registry Agreement with supporting documentation of the sufficiency of this work. Minutes of PDP Council meetings are published and available online at <http://policy.jobs/councilmeetings.php>.

PDP Council activities in practice have included specialized community comment forums, outreach to focus groups, and scientific survey by SHRM Research, its independent research arm.

*(iii) maintain the representativeness of its policy-development and implementation process by establishing procedures that facilitate participation by a broad cross-section of the sponsored TLD community; and*

On an ongoing, general community discussion board is provided at <http://policy.jobs/board/> with over 300 people subscribed. In addition, at [www.policy.jobs](http://www.policy.jobs), a separate mechanism exists for the specific purpose of allowing any member of the community to submit a policy change request. Detailed information about this procedure is also contained for public consumption at the SHRM.org and the Employ Media web site. As the policy delegate to this Community, SHRM is in regular contact with members of the Community.

*(iv) ensure, through published procedures, adequate opportunities for members of the sponsored TLD community to submit their views on and objections to the establishment or revision of standards, policies, procedures, and practices or the manner in which standards, policies, procedures, and practices are enforced.*

The SHRM PDP Council has in fact practiced in an atmosphere which fosters comment, discussion and debate that has produced documented opinions including objections. SHRM has managed specialized public comment forums for members of the sponsored TLD community to submit their views on and objections to the establishment or revision of standards, policies, procedures, and/or practices.

### **SHRM has Served Impeccably as the Sponsoring Organization for the .JOBS Community**

One of Employ Media's most strategic and prudent decisions in connection with pursuing the .JOBS sTLD opportunity was the selection of SHRM as the Sponsoring Organization. Unlike other sTLD applicants in the 2004 round that relied upon recently created entities to serve as their Sponsoring Organizations, Employ Media partnered with the global leader in human resource management with over 60 years of experience and representing more than 250,000 members in over 140 countries.

This is why Employ Media entered into a long-term agreement with SHRM to provide policy development, oversight, and enforcement. Moreover to leave no doubt as to SHRM's priorities, this long term agreement requires SHRM to act independently of Employ Media and in the interests of the .JOBS sponsored community. Unfortunately, some of the attempts to impede the .JOBS RSEP proposal have called into question the credibility of SHRM with unsubstantiated and baseless allegations.

SHRM's professionalism and commitment to the community of Human Resource professionals is evident in their administration of the .JOBS PDP Council. That PDP Council obtained survey research from the human resource management community to determine the view of that community as to whether the .JOBS RSEP proposal would serve the needs of that community. The PDP Council also obtained and considered public comment on the .JOBS RSEP proposal. The International Association of Employment Web Sites (IAEWS), which is currently coordinating and funding the submission of form letters opposing the .JOBS RSEP proposal, is a trade association for the global online employment services industry. When selecting members for the .JOBS PDP Council, SHRM included an IAEWS member to ensure that the voice and viewpoints of this trade association, its members, and job board operators with similar interests were included as part of the consensus reaching policy process. Unfortunately, after several months of deliberations, and minutes before the .JOBS PDP Council voted by a super majority to approve the proposal, that IAEWS member abruptly resigned.

Employ Media understands how IAEWS and some of its members may want a second bite at the apple in trying to overturn the policy development making authority that ICANN properly delegated to SHRM in the .JOBS Registry Agreement. However, it is unfortunate that SHRM's 60 years of impeccable reputation as a global leader in human resource management has become acceptable collateral damage to IAEWS and some of its members in order to protect their own economic interests.

### **Employ Media is Committed to Preserving a Unique Name Space Void of Cybersquatting**

One of the more absurd claims alleged by some opponents is that the .JOBS RSEP proposal will lead to a proliferation of confusingly similar domain names being registered. The fact is that to Employ Media's knowledge there has never been a Uniform Dispute Resolution Policy filed in connection with a .JOBS second level domain. This impeccable record is attributable to the fact that each domain name is screened by Employ Media to ensure that the registrant for a domain name is a member of the Community as set forth in the .JOBS Charter. Employ Media is not contractually required to pre-screen applicants (vs. post screen), but doing so illustrates its hands-on commitment to the business of a being registry operator – which is to sell domain names, to evolve a trusted and differentiated TLD zone in the

spirit of its Charter, to professional commitments to SHRM, and to ICANN, including as represented in its original application.

### **Increased Use and Visibility of the .JOBS TLD Benefits the .JOBS Community**

Employ Media believes that the proposed use of occupational, industry and geographical identifiers as second level domain names within the .JOBS sTLD is a logical expansion of the name space that will benefit current and future .JOBS registrants. Increased recognition within the marketplace by employers and job seekers will benefit the entire .JOBS Community, especially those community members that have already prominently incorporated the .JOBS domain into their HR strategy. Despite unsubstantiated claims by some that this will de-value the .JOBS name space, Employ Media is committed to ensuring that only qualified members of the .JOBS community are permitted to register these names, that such names serve needs of the community as required by its Charter, and that the space remain void of cybersquatters.

While other sTLDs such as dotMobi quickly allocated blocks of reserves names after its launch primarily through auctions, Employ Media has taken a much longer term approach toward the responsible expansion of the .JOBS names space. Instead of seeking short term financial gain, Employ Media permitted organic growth and adoption of the .JOBS names within the community over the last five years, and performed substantive community outreach of needs with respect to the .jobs sTLD, prior to seeking to offer this new registry service.

### **There is Wide Support for the Proposed .JOBS RSEP within the Community**

SHRM undertook its own independent Public Survey and Scientific Survey Research in connection with its .JOBS PDP Council evaluation. These surveys indicated that “the proposed new .jobs classifications are generally viewed as positive additions for HR Generalists and employment/recruitment professionals, and that the survey results gave little indication of any perceived negative impact from the proposed amendment.”<sup>3</sup> In a seven to one vote, on 3 June 2010, the .JOBS PDP Council approved the following resolution:

Having considered whether the Employ Media proposed amendment attached at Exhibit A hereto (the “Proposed Amendment”) will serve the needs of the international human resource management community, the .jobs PDP Council finds that approval of the Proposed Amendment would serve the needs of the international human resource management community, and therefore hereby approves the Proposed Amendment, recognizing that it is the sole obligation and responsibility of Employ Media to implement the Proposed Amendment in a manner that complies with the .jobs Charter, with all ICANN rules and regulations, and with all applicable laws and regulations.

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<sup>3</sup> See <http://www.policy.jobs/files/06032010.pdf>.

Employ Media recognized that there would be a faction that would oppose this RSEP proposal and identified them in its RSEP filing. While this faction has attempted to flood the ICANN Public Forum with uninformed and misguided form letters, the independent policy work of SHRM validate the .JOBS PDP Council 3 June 2010 recommendation that has led to this phase of the RSEP process.

### **Employ Media's Proposal Raises no Competition Concerns**

Several opponents in the public forum have raised wild and unsubstantiated claims that the .JOBS RSEP proposal will raise competition and anti-trust concerns, however, ICANN staff identified no significant competition concerns in their initial evaluation. Moreover, given the substantial resources that ICANN has invested in economic reports over the past several years in connection with the new gTLD process, it should be clear that Employ Media has no market power to exert in a very dynamic and competitive multi-billion dollar HR marketplace.

A number of opponents to the .JOBS RSEP proposal are operators of fee-based job boards, many of which have a .COM domain name that incorporates an occupational, industry or geographical identifier. While they claim that the addition of occupation, industry and geographical identifiers at the second level within the .JOBS sTLD will lead to increased confusion within the marketplace, it is hard to reconcile this argument to ICANN's extensive public policy work and implementation plan in connection with the new gTLD process. The same fundamental economic basis for going forward with the whole new gTLD initiative also applies to this .JOBS RSEP request; these issues should not be re-debated and should not delay or deny approval of the .JOBS RSEP request.

It is the intention of Employ Media to equitably allocate these occupational, industry and geographical .JOBS domains through an industry established and recognized three tier process: RFP; auction; and first-come-first-serve.<sup>4</sup> This allocation will permit use of these domain names by and for .JOBS Community members that will provide increased innovation and choice within the HR marketplace. Clearly those incumbent fee-based job board operators that had previously secured a desirable .COM domain name to gain market entry would like to limit others from having use of these .JOBS domain names, notably to potentially compete. The basis of their opposition to the .JOBS RSEP request becomes more transparent when one takes into account ICANN's most recent expert economic analysis. While this analysis was originally undertaken in connection with competing registries, the logic applies equally as well to members of the HR community seeking to register/use a desirable second level domain:

Competitors (existing registries) may suffer losses due to increased competition (from new registries). In this regard, it should be noted that modern competition policy generally does not attempt to protect incumbents from entry even though the incumbents may suffer economic harm from the resulting increase in competition. Instead, there is a strong presumption that the overall social benefits of competition will be positive—that is, that the gains to consumers from

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<sup>4</sup> The use of a phased equitable allocation method as proposed by Employ Media has been widely used within the domain name marketplace. It has been used by the .MOBI and .ASIA gTLDs in connection with their initial launch, and was the subject of RSEP proposals submitted by Afiliis (RSEP 201001 ); RegistryPro (RSEP 2009002); and NeuStar (RSEP 2008010).



increased competition will outweigh any harms suffered by incumbents. For this reason, we will not discuss these costs further.<sup>5</sup>

Notwithstanding the allocation of these generic occupational, industry and geographical identifiers as second level domain names, Employ Media will continue its operation of the .JOBS sTLD in a manner that serves the needs of the international HR management community as mandated in the Charter, with enforcement rights by SHRM.

### **The .JOBS RSEP Request is Indeed a Registry Service Request**

One of the more counter-intuitive claims of the RSEP detractors is the claim that the substance of the .JOBS RSEP Request is not a new Registry Service. The argument seems to be that it is not a Registry Service because it would allegedly fundamentally expand the Community. There is no basis in the agreement for this claim, however. Registry Services are defined in the .JOBS registry agreement as, *inter alia*, any “products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator.” As the sole registry operator of .JOBS, only Employ Media can allocate .JOBS domain names. The .JOBS RSEP request seeks to add new methods of domain name allocation (including by RFP, by auction or by first-come, first-serve) of certain .JOBS domains. As the RSEP request relates to allocation methods, and as only Employ Media, by virtue of its position as registry operator, can perform this service, it is indeed a new “Registry Service” subject to the RSEP process.

### **ICANN Board’s Standard of Review**

Employ Media readily acknowledges that there is opposition to its current pending RSEP proposal.<sup>6</sup> However, at no time has Employ Media or SHRM in its capacity as a Sponsoring Organization claimed unanimity within the .JOBS Community. In fact, this opposition was specifically identified in the RSEP proposal:

*It is reasonable to suggest that objections may come from 3 fronts, not necessarily mutually exclusive:*

*1)Registrants of domain names operating as job sites in other TLD's who would be concerned about increased choice and innovation within the community/marketplace.*

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<sup>5</sup> See <http://www.icann.org/en/topics/new-gtlds/economic-analysis-of-new-gtlds-16jun10-en.pdf> (Page 28)

<sup>6</sup> It must be noted where the vast majority of criticism is coming from. The PDP Council’s research and the SHRM survey certainly did not find criticism from the vast majority of the Community. The criticism is coming overwhelming from a fee-based job board industry that wants to deny the majority of the Community additional job board sources (i.e., competition). IAEWS exposed its true colors and attitude toward this when it stated to its members that the RSEP proposal was an “intrusion into our community.” Employ Media submits that for IAEWS it is all about keeping out the competition. The ICANN Board should listen to the majority of the whole of the Community for which .jobs was created, including the vast majority in favor of the RSEP request, and not let their interests be drowned out by the desire of IAEWS to protect itself from competition. Employ Media’s RSEP request is for open competition and innovation. IAEWS is simply trying to stifle competition and innovation and deny options to their customers...the majority of the whole of the Community.

*2) People unfamiliar with the nature and purpose of a sponsored TLD (or the delegated authority as expressly provided in the operation of .JOBS in particular) vs. non-sponsored gTLD's in existence.*

*3) People that may interpret Employ Media's implementation as a registry operator of certain types of proposals (such as a self-managed class of domain names) to be of potential impact to one or more of the remaining overarching issues to ICANN's new gTLD process (such as Vertical Integration).*

However, the standard of review set forth in the .JOBS Registry Agreement is rather clear and unequivocal:

If ICANN determines during the 15 calendar day "preliminary determination" period that the proposed Registry Service, does not raise significant Security or Stability (as defined below), or competition issues, Registry Operator shall be free to deploy it upon such a determination.

Opponents to the .JOBS RSEP proposal are seeking one last bite at the apple after SHRM as the Sponsoring Organization of the .JOBS registry independently completed a policy development process as set forth in the Registry Agreement, and Employ Media worked with ICANN staff to ensure that every "i" was dotted and "t" crossed in connection with this proposal.<sup>7</sup> Their opposition rests not in connection with the substance of the RSEP submission, but upon selective excerpts taken out of context in Employ Media 2004 sTLD application, and unsubstantiated and false claims that the .JOBS Charter and Community have been changed.

The ICANN Board's recent experience with the ICM Registry contract should serve as a pointed reminder that some decisions that it makes in connection with Sponsored TLDs will be violently opposed by certain entities, especially when such entities may feel economically impacted by the innovation and choice that the Registry Operator and/or Sponsor Organization is seeking to introduce into the marketplace. The two questions the ICANN Board needs to be asking itself are: (1) did the Registry Operator and Sponsoring Organization comply with its contractual obligations set forth in the Registry Agreement and (2) did ICANN staff undertake a proper analysis to ensure that the Registry Operator and Sponsoring Organization complied with its contractual obligations?

If ICANN accepts the convoluted logic as put forward by the opponents to this RSEP, then every sponsored TLD could be held hostage by a group of aggrieved outsiders claiming that the potential use of the sponsored TLD negatively impacted them. In this Alice in Wonderland approach to policy

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<sup>7</sup> The same cannot be said for IAEWS and the detractors they represent. These detractors claim that Employ Media went out of its way to avoid contacting job board operators regarding the present matter. This cannot be farther from the truth. SHRM, acting in its capacity with regard to populating the .JOBS PDP Council, specifically reached out to IAEWS to include them and/or one of their members as a member of the PDP Council. Rather than following through with the policy-making process set forth in the .JOBS Registry Agreement, the IAEWS member decided to quit the PDP Council the day of the Council vote, abandoning the policy-making process, and take their well-funded, well-organized anti-Employ Media mission directly to the ICANN RSEP venue. In essence, the IAEWS motivation is to make the RSEP public comment venue into a policy deliberation venue. This is inconsistent with many of the most basic tenants of ICANN operation, which seek to foster policy-making processes which are not based on well-funded opposition, or highly orchestrated chain mail submissions (the form letters of which contain numerous inaccuracies and falsehoods), or forum manipulation when the appropriate forum (the PDP Council and SHRM) has already vetted your concerns and elected not to further your position.

development, telephone carriers could theoretically block new and innovative registry services put forth by the .MOBI and .TEL sTLD's merely because the telephone carriers alleged potential harm. That is not the kind of predictability that Registry Operators and their Sponsoring Organizations need to operate their registries in a secure and stable manner.

Employ Media respects and appreciates the role the ICANN Board plays as a trustee of a global resource in connection with security and stability issues; however, it respectfully submits that the ICANN Board should defer to the delegated authority vested in SHRM as the Sponsoring Organization of the .JOBS Registry, representing both the spirit, intent and obligations of a sponsored TLD under ICANN management.

### **.JOBS Charter**

I. The .JOBS TLD will be established to serve the needs of the international human resource management community (the "Community"). "Human resource management" is the organizational function that focuses on the management and direction of people. The Community consists of those persons who deal with the human element in an organization – people as individuals and groups, their recruitment, selection, assignment, motivation, compensation, utilization, services, training, development, promotion, termination and retirement.

II. The .JOBS TLD will be managed by Employ Media in accordance with (i) the provisions of this charter (the "Charter"); (ii) the interests of the Community; and (iii) policy directives from The Society for Human Resource Management ("SHRM"), as "Sponsor."

III. SHRM shall act as the policy delegate responsible for establishing registration requirements for second-level domains in the .JOBS TLD, consistent with this Charter and in the interests of the Community. As the world's largest human resource management association, SHRM's tax-exempt purposes include the promotion of the use of sound and ethical human resource practices.

IV. The following persons may request registration of a second-level domain within the .JOBS TLD:

- members of SHRM; or
- persons engaged in human resource management practices that meet any of the following criteria: (i) possess salaried-level human resource management experience; (ii) are certified by the Human Resource Certification Institute; (iii) are supportive of the SHRM Code of Ethical and Professional Standards in Human Resource Management, as amended from time to time, a copy of which is attached hereto.

V. The Sponsor may establish stricter requirements for permitting registrations.

VI. Employ Media will promptly convey to ICANN any modifications that are made to the definition of the Community as determined by the Sponsor.