

Summary & Analysis of Comments for: Phased Allocation Program in dot-jobs

The comment period for the proposed amendment for a phased allocation program in the .JOBS sponsored top-level domain (sTLD) ran from 15 June to 15 July 2010. A total of 275 comments were received through 0:00 UTC 16 July, which can be viewed at <http://forum.icann.org/lists/jobs-phased-allocation/>. An additional 40 comments were received after the close of the comment period, although some of these were duplicates of comment forum submissions received by ICANN in the mail after the close of the comment period. ICANN reviewed all of the submissions received.

Background

ICANN and EmployMedia, LLC entered into a Registry Agreement for the .JOBS sTLD on 5 May 2005 (<http://www.icann.org/en/tlds/agreements/jobs/>). In its original proposal, .jobs domain registrations were limited to the legal name of an employer and/or a name or abbreviation by which the employer was commonly known. EmployMedia sought to expand the types of names that could be registered under the .JOBS sTLD, while remaining within the charter of the sTLD to serve the needs of the international human resources community.

Appendix S of the .JOBS Registry Agreement states that as a sTLD, the registry operator (EmployMedia), through its policy delegate the Society for Human Resource Management (SHRM), has been delegated authority to establish naming conventions for the TLD (<http://www.icann.org/en/tlds/agreements/jobs/appendix-S-05may05.htm#Part2>). The .JOBS proposal was submitted to ICANN after SHRM conducted its own policy development process on the proposal from April through June 2010. SHRM's .JOBS Policy Council voted 7-1 to send the proposal to ICANN for consideration. EmployMedia informed ICANN that it did not view the proposal as a change to the Charter for the sTLD or the policy-making process set forth in Appendix S.

The proposed amendment was posted for comment following ICANN's preliminary review through the Registry Services Evaluation Process (<http://www.icann.org/en/registries/rsep/rsep.html>), which is a threshold review to identify whether the proposal might raise significant security, stability, or competition issues. Documentation on the preliminary review is available at <http://www.icann.org/en/registries/rsep/#201005>.

ICANN has previously considered similar phased allocation programs (or modifications to registration allocation mechanisms) for other gTLD registries:

Afilias - <http://www.icann.org/en/registries/rsep/#201001> and <http://www.icann.org/en/registries/rsep/#2008008>
puntCAT - <http://www.icann.org/en/registries/rsep/#2009009> and <http://www.icann.org/en/registries/rsep/#2007001>
RegistryPro - <http://www.icann.org/en/registries/rsep/#2009002> and <http://www.icann.org/en/registries/rsep/#2008003>
mTLD - <http://www.icann.org/en/registries/rsep/#2008011>
Neustar - <http://www.icann.org/en/registries/rsep/#2008010>
DotCoop - <http://www.icann.org/en/registries/rsep/#2008005> and <http://www.icann.org/en/registries/rsep/#2007005>
NAME - <http://www.icann.org/en/registries/rsep/#2006004>

Summary & Analysis

The number of comments cited above do not necessarily equal the number of individual comments or commenters participating in the forum; some individual commenters and organization commenters provided multiple submissions through the comment forum and some submissions were duplicated via web and postal mail submission.

Many of the submissions were drafted with identical, or form language serving as the majority of or as the entire submission. Several letter-writing campaigns encouraged groups to send comments to ICANN urging rejection of the proposed amendment. A review of the most common form submissions is included in the relevant summary sections below. Every submission received, however, was reviewed individually to confirm its content.

CollegeRecruiter.com and the International Association of Employment Web Sites (IAEWS) organized a letter campaign against the proposed amendment. IAEWS notes that “Neither human resources professionals employed in corporate human resources (‘HR’) departments nor executive search/staffing firms [which are part of the .JOBS community] are eligible for membership in IAEWS.” IAEWS asserts that the proposal modifies the sponsored community for the .JOBS sTLD. “Using the RSEP to modify the sponsored community for an sTLD would undermine the integrity of ICANN’s processes and create grave concerns about ICANN’s planned introduction of new ‘community-based’ TLDs.”

On 15 July, EmployMedia submitted a response, that there was no change to the .JOBS Charter or to the .JOBS community in its proposal. “The definition and scope of the .JOBS community is not changed in any way by the RSEP request – it is neither being broadened or restricted, and remains unchanged since the inception of .JOBS.” EmployMedia also notes that IAEWS was a member on the .JOBS PDP Council, and when the Council approved the proposal by a 7-1 margin, the IAEWS representative resigned from the Council and initiated the campaign against the proposal by sending letters to the ICANN Board.

EmployMedia also notes

“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.”

Supporting letters for the proposal were received from such employers as: InterContinental Hotels Group, Qwest, Case Western University, AT&T, IBM, the University of Notre Dame, University of California at Los Angeles, Bank of America, Xerox, New York University, the University of Florida, Newell Rubbermaid, and ConocoPhillips.

– Cohen & Company note, “As a regional CPA firm, using a .jobs site has allowed us to stand out in

a competitive hiring market. As we expand and look farther afield, we believe the increased use of .jobs domains will only support our hiring goals.”

- Xerox Corporation noted, “Sound work conducted by the .jobs PDP Council and SHRM. The Charter is clear as to the purpose of the .jobs TLD and eligibility for domain name registration. Failure to move forward with this initiative by Employ Media would be a detriment to the HR community as a whole.”

Opposing letters were received from entities such as Monster.com, CollegeRecruiter.com, individual job board operators, and members of IAEWS. A sampling of the opposing letters raise the following concerns with the proposed amendment.

- Monster.com asserts that the relationship between EmployMedia and DirectEmployers (the operator of the “shared beta” system conducted in 2009), has not been transparent, remains unclear and should be subject to scrutiny by ICANN. Monster also asserts that the community affected by the proposed amendment is significantly larger than the sponsored community served by SHRM, and that ICANN should review whether SHRM is an appropriate sponsor to evaluate the proposed amendment.
- CollegeRecruiter.com states that the proposed amendment is a material change to the .JOBS Registry Agreement. CollegeRecruiter.com states that it was rejected for collegerecruiter.jobs because it is a job board and not an employer. When EmployMedia “decided that it wanted to create that exclusive playground and potentially create a CollegeRecruiter.jobs site as one of the hundreds of thousands of job boards it wants to create, I knew that I needed to get involved to help ensure that the fair and reasonable rules in the .jobs charter continued to be enforced and not modified to the benefit of the few at the expense of the many.”

Other commenters note that the opening of the .JOBS TLD will create “millions of job boards for job seekers to post/sort through.” These arguments are similar to arguments against expanding new gTLDs, that it will create confusion for consumers.

Opposing letters were received from such entities as: the American Veterinary Medical Association, National Science Teachers Association, Pacific TransUnion LLC, Job Target, IAEWS members, Newspaper Association of America, CareerXroads, LatPro, Inc., and NAFSA: Association of International Educators.

Next Steps

The comment summary will be provided to the ICANN Board for consideration along with the proposed amendment to the dot-JOBS Agreement. The amendment is expected to be considered by the Board at its next available meeting on 5 August 2010.

Commenters:

Due to the large volume of postings, a listing of individual contributors will not be included in this report. Each of the contributors can be viewed via their public comments posted at: <http://forum.icann.org/lists/jobs-phased-allocation/>.