



November 14, 2013

VIA EMAIL (fadi.chehade@icann.org)

Mr. Fadi Chehadé
Chief Executive Officer
Internet Corporation for Assigned Names and Numbers
12025 East Waterfront Drive
Los Angeles, CA 90094

Re: Equal treatment of .halal and .kosher gTLD Applications

Dear Mr. Chehadé:

We are writing on behalf of the Union of Orthodox Jewish Congregations of America (OU Kosher), STAR-K Kosher Certification, Inc. (STAR-K), Chicago Rabbinical Council, Inc. (cRc), Kosher Supervision Service, Inc. (Kof-K), and The Kashruth Council of Canada (COR), to follow up on our letter to you of June 28, 2013.

We understand that the pending gTLD application for .halal has now been categorized by ICANN as being “ineligible to proceed to contract” and ICANN now intends to engage in a dialog with the GAC concerning formal action on the .halal application. We reiterate our request that the application for .kosher be treated equally given that the .kosher application raises the same religious sensitivities referenced in the GAC Beijing Communiqué related to the .halal gTLD application.

Furthermore, the .kosher application clearly violates the GAC Beijing Communiqué’s Advice to ICANN under Category 2, Paragraph 1 pertaining to “Restricted Access.” In addition to the Advice from the GAC to ICANN that we previously highlighted pertaining to religious terms as gTLDs, the GAC Beijing Communiqué also included the following advice to the ICANN Board:

As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under category 1 above. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way **that does not give an undue preference to any registrars or registrants,**



including itself, and shall not subject registrars or registrants to an undue disadvantage.¹

The .kosher application states: “Domains under this TLD will only be made available to companies that have been **personally visited, inspected**, and are known to be using the domain to promote Kosher Certification.”² The application also states: “**Only those clients who pass rigorous certification** will be granted use of domains under this TLD.”³ The application even brazenly describes in part the mission of the .kosher gTLD as promoting “OK Kosher Certification and its clients in particular”.⁴

The .kosher applicant has specified in the application that it will maintain the authority to subjectively determine all standards for “visitation, inspection and certification” and the standards for passing “rigorous certification.” Thus, if ICANN allows the .kosher application to proceed, the applicant will maintain complete discretion whether it will, for example, accept personal visits from any kosher certification organization, whether it will impose any demands on unaffiliated kosher certification organizations seeking to participate, whether it will supervise or otherwise seek to qualitatively judge personal visits by unaffiliated kosher certification organizations, or whether it will establish standards for these personal visits. The .kosher application clearly identifies a manner of operating the proposed .kosher gTLD that would give undue preference to certain registrants and subject other potential registrants to undue disadvantage—in violation of the above referenced GAC Advice.

ICANN must not allow the .kosher application to proceed given that (1) .halal and .kosher should be treated equally,⁵ (2) the GAC has provided Advice to ICANN on the sensitivity of religious terms as gTLDs,⁶ (3) the .kosher application violates the GAC Advice to ICANN on restricted access registries,⁷ and (4) the GAC has provided Advice to ICANN to “take better account of community views, and improve outcomes for communities.”⁸

We respectfully request the courtesy of a response.

¹ ICANN Governmental Advisory Committee, *Beijing GAC Communiqué* (11 Apr. 2013) (“Beijing Communiqué”), Annex 1 (emphasis added).

² Application § 18(b)(iii) (emphasis added).

³ Application ¶ 18(a).

⁴ Application § 18(a).

⁵ See, e.g., ICANN Bylaws, § 2, ¶ 8 (“Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.”); gTLD Applicant Guidebook, Article 2.4.4 (“In the interests of fairness and equivalent treatment for all applicants...”); gTLD Applicant Guidebook, Article 5.4.2 (“ICANN’s Bylaws require ICANN to act in an open and transparent manner, and to provide equitable treatment among registry operators.”).

⁶ See *Beijing Communiqué* § IV.1.a.ii.

⁷ *Id.*, Annex 1.

⁸ ICANN Governmental Advisory Committee, *Durban GAC Communiqué* (18 July 2013) § IV.7.b.



Sincerely,

*Union of Orthodox Jewish
Congregations of America*

By: /s/ Rabbi Moshe Elefant
Rabbi Moshe Elefant

STAR-K Kosher Certification, Inc.

By: /s/ Dr. Avrom Pollak
Dr. Avrom Pollak

Chicago Rabbinical Council, Inc.

By: /s/ Rabbi Sholem Fishbane
Rabbi Sholem Fishbane

Kosher Supervision Service, Inc.

By: /s/ Rabbi Ari Senter
Rabbi Ari Senter

The Kashruth Council of Canada

By: /s/ Rabbi S. Adler
Rabbi S. Adler

cc: Dr. Stephen D. Crocker, Chairman of the Board (steve.crocker@icann.org)
Mr. Cherine Chalaby, Chair, Board New gTLD Committee (cherine.chalaby@icann.org)
Ms. Heather Dryden, Chair, ICANN Governmental Advisory Committee
(heather.dryden@ic.gc.ca)