

Response to Reconsideration Request 14-4

Kosher Marketing Assets, LLC

Annex A

Email from Rabbis Moshe Elefant and Sholem Fishbane to Menachem Levy (10 April 2013)

Menachem Levy

Contact Information Redacted

From: Sholem Fishbane
Sent: Wednesday, April 10, 2013 9:27 PM
To: Menachem Levy
Cc: Rabbi Moshe Elefant
Subject: .kosher gTLD

Dear Menachem:

On behalf of the group, we have been directed to communicate with you, that in response to our recent discussions and emails regarding our objections to the .kosher gTLD, we would like to reiterate our position that we are ideologically opposed to .kosher existing as a gTLD and certainly to its being owned by a single or small group of kosher agencies. Our interest is that there should not be a .kosher gTLD at all.

We appreciate however, that you have invested significant resources in putting forth your application, so we did try to explore some creative solutions with you. Unfortunately, it is evident that a solution is simply not feasible.

Because of our strong belief that the .kosher gTLD should not be owned by any entity, we have decided that we will await a decision on the objection from the ICC .

Kind regards,

Rabbis Moshe Elefant and Sholem Fishbane

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Annex B

Letter from Rabbi Moshe Elefant et al., Solicitation
To Join the OU's Objection (undated)

OK Labs .kosher gTLD Application

Unbeknownst to the other Kosher agencies OK Kosher Labs under the name Kosher Marketing Assets submitted an application for a new Generic Top Level Domain called kosher which will allow them to control the ability to register web domains under the kosher domain. For more information on this process see <http://newgtlds.icann.org/en/>

In the application, available online at <http://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1592> it reads among other things as follows;

1. .KOSHER TLD aspires to become the premiere reliable source of information on the Internet about everything to do with Kosher certification.
2. The mission and purpose of this TLD is to enhance and complement existing brand strategies of Kosher Marketing Assets and present the organization in a consistent manner. **As such, Kosher Marketing Assets intends to limit registration of domains either for its exclusive use or for use by closely affiliated organizations in a manner that contributes to the purpose of this TLD.** Kosher Marketing Assets also intends to govern the domain names registered to limit confusion and enhance user experience. To accomplish these objectives, Kosher Marketing Assets may be the sole registrant of domains in the TLD. However, due consideration has been made to all aspects of registry operations including the functions and policies defined below.

Objections

In a meeting which took place Monday, February 11, 2013 at OK Kosher Labs, the undersigned met with Rabbi Don Yoel Levy and the relevant OK staff, as a courtesy to describe our objection and discomfort with idea that one agency would control the .kosher gTLD. We also emphasized that we were disturbed by the language in the application which seemed to present an approach by the OK to use the kosher gTLD to market and promote OK exclusively which would not be in the interests of the Kosher community at-large. On the advice of our attorney, a recognized leader in this field, we advised them that we would object to the application and that we were confident that we would succeed in this objection. To learn more about this process see here: <http://newgtlds.icann.org/en/program-status/objection-dispute-resolution>. The application process for applicants (i.e. OK) costs at least \$200,000 and we felt that if the OK would be amenable to amending their application in a way that could represent the kosher community of kosher consumers we would be agreeable. We discussed the possibility of a settlement with the OK but it became apparent that they were not amenable to an agreement that would satisfy our ideological objections to this application.

Joining the Objection Process

As the OK has not withdrawn their application or has not to this point, agreed to an amenable settlement that would properly and equally represent the Kosher community, we are seeking to include as many prominent agencies as possible in this objection. We would like you to sign on to our objection petition to ICANN with the following main points;

- We don't believe that any one Kashrus agency should control the kosher gTLD. By its very nature kosher should ideally not exist, but if it must, it should be controlled by an impartial group that can consider the needs of the entire Kosher community.
- We believe that if an individual agency would own the kosher gTLD this would open the possibility of enabling them to employ practices that would exclude many kosher companies from registering a kosher domain --this is fundamentally objectionable and clearly not in compliance with the ICANN gTLD application guidelines.

Our Goals

1. To ensure that the OK .kosher gTLD application as is, is not approved

2. If there is no other avenue, and there is a sustainable business model, to have the application amended and assigned to an impartial entity that can equitably and reliably represent the global Kosher community


Join the Objection

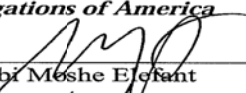
To join the objection, please let us know that you are in agreement with the sentiments expressed in this Memorandum and we will put you in touch with the team working on our objection.

Deadline


The objection deadline is March 13, 2013 so time is of the essence.

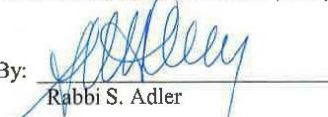
Sincerely,

Kosher Supervision Service, Inc.
By: 
Rabbi Ari Senter

*Union of Orthodox Jewish
Congregations of America*
By: 
Rabbi Moshe Elefant

STAR-K Certification Inc.
By: 
Dr. Avrom Pollak

Chicago Rabbinical Council
By: 
Rabbi Sholem Fishbane

Kashruth Council of Canada (COR)
By: 
Rabbi S. Adler