



TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE & COURIER SERVICE

27 February 2011

Mr. Brian Johnson, General Counsel
Mr. Ray Fassett, EVP, Operations & Policy
Employ Media LLC
3029 Prospect Avenue
Cleveland, Ohio 44115

RE: NOTICE OF BREACH OF .JOBS REGISTRY AGREEMENT

Dear Messrs. Johnson and Fassett:

Be advised that as of and before 28 February 2011, Employ Media is in breach of its Registry Agreement between the Internet Corporation for Assigned Names and Numbers ("ICANN") and Employ Media LLC ("Employ Media"). As explained below, this breach results from Employ Media and its sponsoring organization, the Society of Human Resource Management's (SHRM) failure to establish policies, in conformity with the defined purpose and intent of the .JOBS registry; and further may be inconsistent with the .JOBS Charter for the naming conventions within the sponsored TLD and for requirements of registration as required by Section 3.1(d)(i)(A) of the .JOBS Registry Agreement. Should Employ Media fail to cure this breach within 30 calendar days, ICANN may commence the termination process as set forth in Section 6.1 of the .JOBS Registry Agreement. To cure this breach, Employ Media must establish meaningful registration policies, in conformity with the .JOBS Charter, for the naming conventions within the sponsored TLD and for requirements of registration.

In addition to Employ Media's breach of its Registry Agreement, Employ Media's failure to operate and manage the .JOBS TLD in a manner consistent with the spirit and intention of the .JOBS registry and .JOBS Charter has substantially frustrated the primary purpose of the .JOBS Registry Agreement. We are calling on Employ Media to take immediate actions to implement restricted registration policies that support the purpose for which the .JOBS top-level domain was established, and to cancel registrations and/or disavow themselves of the benefits of any registrations that are owned by related parties, if any.

Brussels
Sydney
Washington, DC
Marina del Rey

6 Rond Point Schuman, Bl. 5
Level 2, 48 Hunter Street
1875 I Street, NW, 5th Floor
4676 Admiralty Way, Suite 330

B-1040 Brussels
Sydney NSW 2000
Washington, DC 20006
Marina del Rey, CA 90292

BELGIUM
AUSTRALIA
USA
USA

T +32 2 234 7870
T +61 2 8236 7900
T +1 202 429 2704
T +1 310 823 9358

F +32 2 234 7848
F +61 2 8236 7913
F +1 202 429 2714
F +1 310 823 8649

<http://icann.org>



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Failure to Establish Policies in Conformity with the Intent and Purpose of the .JOBS Registry and the .JOBS Charter

Pursuant to Section 3.1(d)(i)(A) of the .JOBS Registry Agreement, Employ Media is required to establish policies, in conformity with the Charter, for the naming conventions within the sponsored TLD and for requirements of registration, consistent with Section 3.1(g). In Section 3.1(g) of the .JOBS Registry Agreement, ICANN acknowledges that Employ Media engaged SHRM, as the sponsoring organization for the TLD, to carry out the responsibilities associated with the development of policies for the .JOBS TLD. Pursuant to Part II of Appendix S of the .JOBS Registry Agreement, SHRM is responsible for developing policies concerning the restrictions on what types of people or entities may register second-level domain names within the TLD.

Employ Media and SHRM failed to establish any meaningful restrictions on what types of people or entities may register second-level domain names within the .JOBS TLD. By not establishing any meaningful restrictions on who may register second level registrations in the .JOBS TLD, Employ Media put in operation a TLD where anyone can register names, thus defeating the purpose for which the sponsored TLD came into existence. The lack of meaningful restriction on registrations is clearly set forth in the .JOBS Charter, which reads,

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 Ethics and Professional Standards in Human Resources Management...”

While seemingly restrictive to human resource management professionals, the above Charter language is specious. Anyone willing to pay the \$40.00 membership fee to SHRM may become an associate member of SHRM, as there are no restrictions to membership, other than payment of annual membership fees. Accordingly, anyone can register a second-level domain name within the .JOBS sTLD, as long as they pay a \$40.00 membership fee to SHRM to become an associate member.

There is not sufficient information to confirm that Employ Media or SHRM conducted a meaningful process for changing the registration criteria. The registration policy shift clearly represents a basic and fundamental change to the qualifications for registration which differ from the original intent and purpose of the .JOBS Registry Agreement and the Charter.

It is unclear from responses gathered from SHRM or Employ Media, whether a change to these registration policies was appropriately communicated within the community impacted by this change. It appears that the adjustments to registration policies was exploiting broad wording within the Charter to justify a fundamental change which inures benefit to SHRM and Employ Media, at the detriment of



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some participants of the human resources community, that did not have any way of understanding the broad nature of this category of registrations at the time of the application for the registry.

Pursuant to the .JOBS Charter, the TLD was "...established to serve the needs of the international human resource management community..." However, the specious restrictions established by Employ Media and SHRM regarding what types of people or entities may register second-level domain names within the .JOBS TLD do not serve the international human resource management community. Human resource management experience, skills nor education are required to become an associate member of SHRM nor is it required to register a second-level domain name within the .JOBS TLD. Conversely, the loose restrictions established by Employ Media and SHRM appear to exclusively serve the financial interests of Employ Media and SHRM.

Employ Media and SHRM's failure to establish policies in conformity with the .JOBS Charter for the naming conventions within the sponsored TLD and for requirements of registration, consistent with Section 3.1(g) is a breach of the .JOBS Registry Agreement.

To cure this breach, Employ Media, through its sponsoring organization, SHRM, must develop and implement meaningful restrictive policies in conformance with the .JOBS Charter regarding what types of people or entities may register second-level domain names within the .JOBS TLD. These registrations policies *must serve the needs of the international human resource management community*.

ICANN is concerned that Employ Media and SHRM are not operating and managing the .JOBS TLD in a manner consistent with the spirit and intent of the .JOBS Charter. The .JOBS Charter clearly states that the TLD will be established to serve the needs of the international human resource management community.

The recently launched *universe.jobs* appears to be a job board that advertises job openings for multiple employers. It is our understanding that one registrant, who is a member of SHRM, registered forty thousand second-level domain names in the .JOBS TLD for use on this job board. It appears that Employ Media and SHRM, through the Direct Employers Association, intend to use the .JOBS TLD primarily to compete with other internet job boards. Such use is inconsistent with the purpose stated in the .JOBS Charter and represented to the ICANN community. As opposed to numerous, international, human resource management professionals registering second-level .JOBS domain names, it appears one US-based registrant is registering thousands of second-level .JOBS domain names. These registrations appear to serve the interests of the registrant or company causing the registrations, as well as Employ Media and SHRM rather than the interests of the human resource management professionals.

Conclusion

Employ Media and SHRM's failure to establish policies, in conformity with the defined purpose and intent of the .JOBS registry is inconsistent with the .JOBS Charter for the naming conventions within the sponsored TLD and for requirements of registration as required by Section 3.1(d)(i)(A) of the .JOBS Registry Agreement, and such other relevant sections of the agreement.



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As previously stated, ICANN may, pursuant to Section 6.1 of the .JOBS Registry Agreement, terminate the Registry Agreement before its expiration if the stated breach is not cured within 30 calendar days after ICANN gives notice of breach.

We are calling on Employ Media to take immediate actions to implement restricted registration policies that support the purpose for which the .JOBS top-level domain was established, and to cancel registrations and/or disavow themselves of the benefits of any registrations that are owned by related parties, if any. ICANN specifically reserves the right to pursue any and all remedies relating to the above or other breaches in addition to the breach enumerated above, and nothing herein shall be deemed a waiver of that right.

If you have any questions regarding the above, please feel free to contact me directly, or contact Stacy Burnette, Director of Contractual Compliance at [Stacy.Burnette \(at\) ICANN.org](mailto:Stacy.Burnette@ICANN.org).

Sincerely,

A handwritten signature in black ink, appearing to read "JOJE", with a large, sweeping flourish extending to the right.

John O. Jeffrey
General Counsel & Secretary

CC: Stacy Burnette, ICANN
Amy Stathos, ICANN