

Employ Media Proposed Amendment

March 16, 2010

Proposed Amendment:

To the extent that any policies, practices or business rules in .jobs govern Employ Media's ability to provision, allocate, register (to third parties or itself), allow use of in the DNS (by third parties or itself), reserve or remove from reserve, any non-"companyname" domain names, including industry and occupational domains, geographic domains, dictionary term domains and two-character domains, all such policies, practices or business rules are amended to allow Employ Media, at Employ Media's discretion (provided that Employ Media maintains adherence to the .jobs Charter), to provision, allocate, register (to third parties or itself), allow use of in the DNS (by third parties or itself), reserve and remove from reserve, all such non-"companyname" domain names.

Submitting Party:

Employ Media LLC

Discussion:

Employ Media is the Registry Operator of the .jobs top level domain ("TLD"). Employ Media's role is to provision, allocate or otherwise allow registration of domain names in .jobs. In enacting this role, Employ Media must adhere to the .jobs Charter. The Charter states that only members of the international HR management community are qualified to apply for a .jobs domain name. Currently, Employ Media only accepts registration applications from qualified applicants, and only for domains that correspond to the applicant's company's name or trade name ("companyname" domain names). Upon receipt of an application, Employ Media evaluates registration information and, in its sole determination, decides whether to approve or decline. If approved, the requested domain is registered by the applicant (i.e., the registrant of record is the company).

Employ Media's proposed amendment relates to non-"companyname" domains, such as industry and occupational domains (domains which identify or describe an industry or occupation, such as nursing.jobs), geographic domains (domains which identify a geographic area, such as cleveland.jobs), dictionary term domains (domains which are words or phrases which are contained in a dictionary, such as best.jobs), two-character domains (domains with only two characters, such as al.jobs) and various combinations (such as clevelandnursing.jobs).

Previously, Employ Media began the process of creating a self-managed class of names in the .jobs tld. Called the shared domain beta test, many non-"companyname" .jobs domains were (and in many cases still are) registered to Employ Media. Employ Media "used" these domains in the DNS by redirecting them to a third party (the Direct Employers Association), who themselves "used" the domains by providing uniform, consistent content to all the domains in the shared beta test.

In the shared domain beta, if a user accessed "marketing.jobs" in their browser, they would have gone to an Employ Media-registered domain with content provided by the Direct Employers Association. This content included job listings from employers at no charge to the employers; it was an automated free job listing service available to all employers worldwide to allow candidates to apply directly to the employer. Employ Media received no domain name registration fees for the domains it selected and registered for the shared domain beta test. All employers were allowed to list jobs at no cost. Job seekers were allowed to apply directly to the employer at no cost. Any employer could, however, purchase from Employ Media one or more of a limited number of "premium placement" positions at each domain, a fixed position for a fixed duration of time to achieve greater visibility (such as in the case of an urgent hiring need). Premium

placement served the purpose of funding the beta test in lieu of Employ Media's receipt of domain name registration fees, job posting fees or job applicant submission fees.

Based upon input from the .jobs community, Employ Media selected the domains included in the shared domain beta (and thus not considered "companyname" domains), and Employ Media registered each of these names in its own name (i.e., the registrant of record was/is Employ Media LLC). No other party outside of Employ Media was/is the registrant of record for any domain in the shared domain beta test.

The shared domain beta test has been placed on hold while this proposed amendment is considered by the PDP Council. By approving this proposed amendment, the Council will confirm on behalf of their HR community Employ Media's ability to (a) provision and allocate non-"companyname" domains, which means Employ Media decides whether a domain is a "companyname" domain, and further decides who can register such names; (b) determine registration of the domains, including registering them to itself (i.e., a self-managed class of names); (c) reserve and un-reserve the names, to both allow and prohibit registration and use of the names; and (d) use the domains itself and allow third party use of the domains.

Approval of the proposed amendment confirms that Employ Media has the authorities identified above. Such authority is broad enough to cover the workings of the shared domain beta test, and Employ Media would likely restart the shared domain beta.

Employ Media is aware that some in the community may have alleged that the shared domain beta was an exclusive deal, and that Employ Media did not solicit beta proposals from other parties. Employ Media notes that the authorities identified above are broader than the shared domain beta test as described. This will allow Employ Media to explore other ways of provisioning/ allocating non-"companyname" domains, including domain-industry standard practices like initiating Request for Proposals to invite interested parties to propose specific plans for registration, use and promotion of the domains, implementing auctions for the domains, and implementing a first-come, first-serve real-time, post-validation (if necessary) mechanism of allocation. It will also allow Employ Media flexibility in maintaining the shared domain beta test, all within the scope of the .jobs Charter. While it is not Employ Media's current intent to employ any of these industry-standard or industry non-standard ways of provisioning/allocating domains, Employ Media will remain open to all proposals regarding .jobs domains, so long as the scope of the .jobs Charter is maintained.

Effect on any applicable policies, practices or business rules of .jobs:

Employ Media believes that the following provisions from the .jobs registry agreement (the "Agreement") may be affected by this proposed amendment:

From Appendix S, Part IV:

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.

From Section 7.1(b):

Registry Operator shall not act as a registrar with respect to the TLD. This shall not preclude Registry Operator from registering names within the TLD to itself through a request made to an ICANN-accredited registrar.

From Appendix S, Part I, the Charter:

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.

Also from the Charter:

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...

From Appendix S, Part II, Delegated Authority:

...following areas of responsibility for development of policies for the Sponsored TLD are delegated to the Registry Operator...

1. Establishment of naming conventions to be used in the Sponsored TLD.
2. Restrictions on what types of people or entities may register Registered Names (which need not be uniform for all names within the Sponsored TLD), provided the scope of the Charter (Attachment 1) is not exceeded.
3. Restrictions on how Registered Names may be used (which need not be uniform for all names within the Sponsored TLD), provided the scope of the Charter (Attachment 1) is not exceeded.
4. Performance of Eligibility and Name-Selection Services (ENS Services)...
5. Mechanisms for enforcement of the restrictions in items 1, 2 and 3...
- ...
9. Matters concerning the operation of the registry for the Sponsored TLD.
- ...
14. Uses and practices by registrants with respect to Registered Names.

15. Procedures and schedule for the start-up of the Sponsored TLD, provided they are consistent with Attachment 8.

From Appendix S, Part VII:

From the “Community Value Criteria”:

.jobs domain registrations are limited to the legal name of an employer and/or a name or abbreviation by which the employer is commonly known. All prospective registrants must submit a Qualification Document (generally speaking, proof of status as an employer organization, such as, e.g., in the U.S., a Form 941) which will be reviewed by Employ Media for approval prior to allowing registration.

Also from the “Community Value Criteria”:

A reserved list of names will be employed to prevent inappropriate name registrations. Certain groups of domains will be reserved, such as, e.g., a list of occupational identifiers (e.g., the U.S. Bureau of Labor Statistics list of SOC occupations), industry identifiers (e.g., healthcare.jobs) and certain geographic identifiers (e.g., northeasternohio.jobs). These restricted lists are in addition to the restriction that .jobs domains comprise only trade names or commonly-known names (reserved list domains will be registered to the Registry Operator in the registry database to reflect their status as reserved names). In the event other domains are made available for registration (which would require approval as set forth in this Agreement), such domains will be specifically enumerated (i.e., not creatable by an applicant) and will be pre-screened to remove any inappropriate names.

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From “Policy Making and Differentiation”:

“...jobs registrations will only be allowed for domain names which (i) are for the legal name(s) under which a proposed registrant does business (e.g., a trade name such as EIduPontdeNemours.jobs), for a name under

which the proposed registrant is commonly known (e.g., dupont.jobs) or which includes such a legal or commonly-known name (e.g., dupontcanada.jobs); (ii) are based upon an application for registration which is submitted by a Qualified Applicant; and (iii) names as the registrant of the domain name the entity which is identified by the trade name or commonly known name. These current policies are only revisable/amendable via the policy making process described herein.”

It is Employ Media’s position that approval of the current Proposed Amendment would clarify that the actions set forth in the Proposed Amendment would not be precluded by the Appendix S Provisions or any other provisions in the Agreement.