

To: Gary Rubin and Henry Hart, SHRM

From: ICANN Board Governance Committee

Re: Questions for Society of Human Resources Management Regarding
Reconsideration Request 10-2 (Amendment to .JOBS Registry Agreement)

Date: 4 November 2010

I. Introduction.

At its 5 August 2010 meeting, ICANN's Board of Directors passed a resolution approving amendments to the .JOBS Registry Agreement and authorizing the CEO and the General Counsel to take the necessary steps to implement the amendments. Since then, the .JOBS Charter Coalition ("Coalition") filed Reconsideration Request 10-2, seeking reconsideration of the Board Action. The Coalition claims that the amendments approved by the Board will result in the .JOBS registry being operated in violation of the .JOBS Charter in that the amendments will allow registrations by entities that do not meet the current Charter requirements, and that the Board did not consider material information relating to the amendment of the .JOBS Registry Agreement. The BGC has identified certain information from the Sponsor Organization, Society of Human Resources Management ("SHRM"), which may be of assistance to the Board Governance Committee ("BGC") as it considers the Reconsideration Request. The questions set out below are relevant to the question of whether the Board failed to consider material information when it approved the amendment to the .JOBS Registry Agreement.

II. Summary of the .JOBS Charter.

The .JOBS Charter reads:

1. 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. (See <http://www.icann.org/en/tlds/agreements/jobs/appendix-S-06aug10.htm>.)

The .JOBS Charter also imposes limits on who may register names in the .JOBS sTLD to: (1) members of SHRM; or (2) 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, as amended from time to time, a copy of which is attached hereto. (*Id.*)

III. Questions for SHRM.

1. Do you believe that the amendments approved by the ICANN Board on 5 August 2010 changed the Charter of the .JOBS sTLD? If so, please explain how you believe the .JOBS Charter was changed.
2. Have there been any changes to the definition of the Community for the .JOBS sTLD, as determined by SHRM? If so, what are those changes?
3. Does the recent SHRM PD Council decision approving the use of the Phased Allocation Program in the .JOBS sTLD serve the needs of the international human resource community? If so, please describe how this need is met through the Phased Allocation Program.
4. Does the Charter definition of Community require that registrations in the .JOBS sTLD be used by registrants to display job listings/recruitment information only for the organization that the registered user is affiliated with?
5. What are SHRM's expectations for content on domain names registered in the .JOBS sTLD?
6. Does the .JOBS Charter impose any content-related restrictions on registrations in the .JOBS sTLD? If so, please identify those restrictions.
7. Did the SHRM PD Council intend to enable the Registry (Employ Media) to register domain names in the .JOBS sTLD for the purpose of allowing third-party job postings on those sites? If so, please explain how this consistent with the .JOBS Charter.
8. Should the content of domain names registered within the .JOBS sTLD relate only to the "human element" in the Registrant's specific organization?
9. Are independent job site operators (such as Monster.com) engaged in "human resources management" for the purpose of the definition set forth in the .JOBS Charter if the job site operator is advertising for jobs outside its own organization?