

From: ICANN Board Governance Committee
To: Employ Media
Re: Reconsideration Request 10-2 submitted by the .JOBS Charter Compliance Coalition

Introduction

The following questions are posed by the Board Governance Committee (“BGC”) as part of its reconsideration of the Board’s 5 August 2010 approval of amendments to the .JOBS sTLD Registry Agreement. Reconsideration was requested by the .JOBS Charter Compliance Coalition (the “Coalition”). The Coalition’s request for reconsideration is based upon the allegations that the amendments approved by the Board will in fact result in Employ Media operating the .JOBS registry in violation of the Charter specified in the Registry Agreement, and allow registrations in the .JOBS sTLDs by entities that do not meet the current Charter requirements, and the Board did not consider material information on this issue. The purpose of the questions set forth below is to establish whether all the material information available to Employ Media was made available to the Board when it approved the amendments to the .JOBS Registry Agreement on 5 August 2010.

Questions

1. Do you confirm that the amendments approved by the ICANN Board on 5 August 2010 do not change the Charter of the .JOBS sTLD? If not, please explain how you believe the .JOBS Charter was changed.
2. At the time of the 5 August 2010 Board meeting, did Employ Media intend to allow registrations in the .JOBS sTLD from persons or entities not meeting the .JOBS Charter registration requirements? If so, please explain your reasoning for this intent and state whether an expression of this intent was available to the Board before it took its action on 5 August 2010 relating to amendment of the .JOBS Registry Agreement.
3. Prior to the Board’s 5 August 2010 action, did Employ Media make any representations to the public regarding availability of registrations in the .JOBS sTLD? If so, what was the substance of these representations, and please state whether these representations were available to the Board before it took its action on 5 August 2010 relating to amendment of the .JOBS Registry Agreement.
4. Do you confirm that Employ Media will only allow persons or entities identified in the Charter to register names in the .JOBS sTLD? If not, please explain your reasoning for allowing such persons or entities to register names in the .JOBS sTLD, and state whether an expression of this reasoning was available to the Board before it took its action on 5 August 2010 relating to amendment of the .JOBS Registry Agreement.

5. In Employ Media's Registry Request, it stated: "Independent job site operators in other TLD's may be affected by the introduction. Some have indicated a positive interest to submit an RFP if such were made available. Others have indicated that the proposed registry service could enable an expansion of their product and service offerings in new/innovative ways." Please identify all "independent job site operators" that are referred to in this statement, and whether each is a member of the Sponsored Community sufficient to register names in the .JOBS sTLD.
6. Please identify when the White Paper available at <http://www.universe.jobs/pdfs/wp-dotjobs-tld.pdf> was produced. Did any employees or officers of Employ Media participate in the drafting of the White Paper? Please also state whether this White Paper was available to the Board before it took its action on 5 August 2010 relating to amendment of the .JOBS Registry Agreement.
7. Please state whether all material information regarding the vote of the Society for Human Resource Management ("SHRM") Policy Development Council to propose an amendment to the .JOBS Registry Agreement was available to the Board before it took its action on 5 August 2010 relating to amendment of the .JOBS Registry Agreement.
8. Please identify when the Registry Services Evaluation Process proposal ("RSEP Proposal") was drafted and who took part in drafting the proposal.
9. Please state whether Employ Media took any steps to prevent or interfere with any entity or person's ability to state its position, or provide information, to the Board regarding amendment of the .JOBS Registry Agreement before or during the 5 August 2010 Board meeting.
10. Please state whether Employ Media was involved in creating or managing a coordinated response to the RSEP Proposal during the public comment period, which is available at <http://www.icann.org/en/public-comment/public-comment-201007-en.htm#jobs-phased-allocation>.
11. At the time of the 5 August 2010 Board action, did Employ Media have any intention of registering names under the Phased Allocation Plan to any entity other than Employ Media? If so, please state whether Employ Media expressed this intent to the Board before it took its action on 5 August 2010 relating to amendment of the .JOBS Registry Agreement.
12. At the time of the 5 August 2010 Board action, did Employ Media have any intention to license the use of .JOBS names registered to Employ Media to persons or entities that would not qualify for registration under the .JOBS sTLD Charter? If so, please state whether Employ Media expressed this

intent to the Board before it took its action on 5 August 2010 relating to amendment of the .JOBS Registry Agreement.

13. Has Employ Media solicited participation in the Phased Allocation Process from companies or entities that do not qualify for registration under the .JOBS sTLD Charter? If so, please explain Employ Media's reasoning for doing so.