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CC: Mr. Dennis Jennings, Chair, Ms. Rita Rodin Johnston, Mr. Ray Plzak, and Mr. Ram Mohan

From: The .JOBS Charter Compliance Coalition

Date: 21 October 2010

The members of the .JOBS Charter Compliance Coalition (the "Coalition") provide the following information to the Board Governance Committee to demonstrate the fact that Employ Media is using the recently approved Phased Allocation Program in a manner that incontrovertibly violates the .JOBS Charter. It also confirms the Coalition's concerns that Employ Media intends to pursue this expansion without consideration of or attention to the rights of third parties.

[nativeamericanjobs.com](http://nativeamericanjobs.com) was created on August 27, 2000 by a member of the Assiniboine Sioux tribe, and has been operated as a job board for diversity & indigenous employment, career minded individuals looking for employment, and as a resource for employers since that time.

Earlier this week, the operator of [nativeamericanjobs.com](http://nativeamericanjobs.com) received the following press release announcing the creation of [nativeamerican.jobs](http://nativeamerican.jobs):

**"Native American Jobs" (NAJ) Launches New Job Search Engine at <http://www.nativeamerican.jobs>**

Native American Jobs envisions a job portal active on each and every Educational Web Site and every Tribal web site. Creating equal opportunities for Native Americans to look for and obtain employment without boundaries.

Native American Jobs purpose is providing an online job data bank available to Native American Job Seekers, Native American Tribes, Tribal Organizations and Tribally Owned or Controlled Casino's.

More specifically NAJ will provide unlimited job posting FREE of charge to all Educational facilities located within the boundaries of a reservation or whose enrollment is primarily Native American's. Any Educational facility outside of the reservation boundaries dully recommended by the Tribal Council will as well receive said services. Tribal College's and/or Universities will be granted FREE Access regardless of there locations. All Educational Institutions will be provided with an HR Assistant Plug-in that is installed directly on their respective web sites.

Allowing them to provide an online application process directly on their own web portal with an administrative backend that captures the data for inter office usage. As well other tribally operated 501c3 organizations can provide all active job listings on their websites, free of charge.

NAJ has partnered with Native American Owned Businesses and Native American Media companies as there preferred source for job postings.

A brief review of the website operating at [nativeamerican.jobs](http://nativeamerican.jobs) demonstrates conclusively that the registrant is not using its .JOBS registration to conduct human resource management activities, as required by the .JOBS charter. Rather, it is using its registration in .JOBS to offer and promote its job board service. According to the information on this website, the company has a "wide array of clients

throughout the United States,” and serves both job seekers and prospective employers. There is no information on the website about the members of the Board of Directors. According to the new website, however, this operator previously provided identical service offerings at [www.ndianjobs.com](http://www.ndianjobs.com), which was created in April of 2009 and registered by LawETech, a Native American-owned web hosting company. LawETech is located at 800 Quartz Ave, Brandon, SD 57005, which is the same address listed as the address for [nativeamerican.jobs](http://nativeamerican.jobs). Moreover, the operator for nativeamerican.jobs “Alliances” defaults back to LawETech’s “Portfolio” page at <http://lawetech.com/portfolio.html>.

Although ndianjobs.com now defaults to [nativeamerican.jobs](http://nativeamerican.jobs), the Internet “wayback” machine has archived some pages from [www.ndianjobs.com](http://www.ndianjobs.com) in 2009. A review of these archived pages reflects the same graphics and the same functionality that is currently offered on [nativeamerican.jobs](http://nativeamerican.jobs).

<http://replay.waybackmachine.org/20090607072833/http://ndianjobs.com/job-seeker>

<http://replay.waybackmachine.org/20090607072749/http://ndianjobs.com/contact>

<http://replay.waybackmachine.org/20090608182754/http://ndianjobs.com/job/banking-mortgage/5>

It could not be clearer that Employ Media is using the Board’s approval of the Phased Allocation Program to transform the fundamental nature of the .JOBS sponsored top level domain from a site for employers to link directly with job seekers to a generic employment services theme park – in clear violation of the .JOBS charter, and without the smallest consideration of third party rights.

Registration at the second level for purposes other than human resource management violates the .JOBS charter, which limits registration to individuals engaged in human resource management – and which specifically defines human resource management as

the organizational function that focuses on the management and direction of people. ... 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.

To say that any company that has employees may register a name in .JOBS for a purpose other than human resource management, as representatives of Employ Media have done, makes a mockery of the concept of a sponsored top level domain.<sup>1</sup> To say that use of the .JOBS sponsored TLD in this way enables “new” or “innovative” services is to ignore the meaning of those terms.

Once again, we call upon the ICANN Board of Directors to act to ensure that .JOBS is operated in compliance with the charter.

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<sup>1</sup> According to the [minutes of the .JOBS PDP Council 9 April 2010](#), “Employ Media stated that it could register names because it believes it complies as a member of the human resources community and complies with the SHRM Code of Ethics as well. Employ Media also responded that any company or member of SHRM can acquire a domain name” in the .JOBS TLD. Employ Media also asserted that the .JOBS Charter is meant for “any business” to acquire a domain name.”