

THE .JOBS CHARTER COMPLIANCE COALITION

Attention: John Bell
Chairman & CEO, Boxwood Technology
Executive Plaza III
11350 McCormick Road, Suite 101
Hunt Valley, MD 21031

July 5, 2011

VIA EMAIL

Mr. Stephen Crocker
Mr. Rod Beckstrom
John Jeffrey, Esq.
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601
USA

Re: Employ Media's Request for Arbitration

Dear Messrs. Crocker, Beckstrom and Jeffrey:

The .JOBS Charter Compliance Coalition (the "Coalition") submits this open letter to you regarding the arbitration proceedings initiated by Employ Media LLC ("Employ Media") against the Internet Corporation for Assigned Names and Numbers ("ICANN") arising from the clear and detailed [breach notice](#) issued by ICANN on February 27, 2011.

The Coalition does not understand why ICANN has to date failed to apprise the ICANN Community regarding its response to the deeply flawed arguments and mischaracterizations set forth in Employ Media's Request for Arbitration (the "Request"). Under the International Chamber of Commerce Rules of Arbitration pursuant to which this arbitration is proceeding, ICANN has *thirty (30) days* from its receipt of the Request to file its Answer, in the absence of any time extensions requested by ICANN. As evidenced by the [cover letter from Employ Media's outside counsel](#) that is posted on ICANN's website, you were provided with the Request on May 3, 2011. Employ Media also posted the Request on its [website](#) on that same date. As of today, there have been no documents posted on ICANN's website that indicate whether ICANN has (1) filed its Answer; (2) requested an extension of time to file its Answer; or (3) nominated its selection of an arbitrator.

It has now been *over two months* since ICANN received the Request. Given the absence of relevant information on ICANN's website, it appears that ICANN has not filed its Answer nor has it informed the ICANN community (1) of any reason for this delay; (2) of any extensions requested; or (3) whether ICANN is engaging in negotiations with Employ Media. As noted by ICANN's outside counsel in its [April 26, 2011 letter](#) to Employ Media's outside counsel, ICANN's bylaws and policies require that ICANN "*publicly post relevant materials in order to apprise interested parties of developments and happenings* within the Domain Name System" and that "[w]ithout this level of transparency, ICANN's multi-stakeholder model does not

operate as effectively or efficiently.” The Coalition, as well as numerous other “interested parties” and members of the ICANN Community, is concerned with the lack of any update regarding the Employ Media arbitration.

The Coalition appreciates that ICANN has been actively engaged over the past few months in its attempt to launch the new generic top-level domain (“gTLD”) initiative. ICANN’s lack of progress in putting an end to Employ Media’s clear breach of the .JOBS Registry Agreement and Charter, however, has serious ramifications with regard to the credibility of ICANN governance. ICANN’s dilatory response gives the impression to the Internet community that ICANN is reluctant to enforce its rules despite overwhelming evidence of Employ Media’s conscious disregard for those rules. Indeed, since the issuance of the Notice of Breach letter when Employ Media was ordered to cease its non-compliant conduct, its alliance partner DirectEmployers Association (“DirectEmployers”) actively marketed the Charter-breaching Dot Jobs Universe to governmental entities, including the U.S. Department of Labor. ICANN’s delay only emboldens the defiance of Employ Media and DirectEmployers in the operation of their non-compliant program which inflicts continuing harm on members of the human resource community and other entities adversely affected by Employ Media’s unwarranted expansion of the .JOBS sTLD.

Nearly one year ago, ICANN was presented with numerous letters from the Internet community regarding Employ Media’s proposed amendment to the .JOBS Registry Agreement which set forth detailed evidence demonstrating how Employ Media was breaching, and planned to further breach, the Agreement through the launch of the Dot Jobs Universe, as well as its plan to subvert the registration requirements of the .JOBS Charter. It was these non-compliant actions which eventually caused ICANN to correctly issue its Notice of Breach letter to Employ Media. Despite ICANN’s history of responding belatedly to Employ Media’s non-compliance, the Coalition urges that ICANN adhere to its bylaws and policies by (1) promptly providing its Answer to the allegations asserted in the Request and (2) publicly posting all relevant materials – including any extensions to deadlines – to the ICANN website “in order to apprise interested parties of developments and happenings” in this significant arbitration.

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The Coalition requests that (1) ICANN post this letter on the “Correspondence” page of its website and (2) the ICANN Secretary circulate this letter to the members of the ICANN Board of Directors.

Sincerely,



John Bell
Chairman, .JOBS Charter Compliance Coalition

cc: ICANN Board of Directors
Maguy Serad
Eric Enson, Esq.