

Subject: Business Constituency (BC) comment on Proposed Amendment to the .JOBS Registry Agreement
Date: Sunday, November 15, 2020 at 9:02:10 AM Pacific Standard Time
From: Steve DelBianco
To: comments-proposed-amendment-1-jobs-registry-agreement-30sep20@icann.org
CC: BC List

BC Comment on Proposed Amendment 1 to the .JOBS Registry Agreement

This comment is in response to the “Proposed Amendment 1 to the .JOBS Registry Agreement” posted for comment on 30-Sep-2020 (<https://www.icann.org/public-comments/proposed-amendment-1-jobs-registry-agreement-2020-09-30-en>).

The BC supports Proposed Amendment 1 (<https://www.icann.org/en/system/files/files/proposed-jobs-amendment-1-30sep20-en.pdf>).

The BC recognizes the importance of maintaining the TLD Sponsor’s role, obligations, and commitments to the sponsored TLD Community. The Proposed Amendment 1 maintains this important role, obligations, and commitments through creating an “HR Council” as the policy delegate responsible for establishing registration requirements for second level domains in the TLD, consistent with the TLD’s Charter and in the interests of the Community. Pursuant to Proposed Amendment 1, the Registry Operator will create an HR Council comprised of HR professionals and will inter alia, perform its duties “*independent of the Registry Operator*”. Furthermore, members of the HR Council will be obliged to act “*solely in the best interests of the Community*”. Accordingly, provided that such important safeguards are maintained and adhered to in compliance with both the express requirements and the spirit of the Charter and Specification 12 in particular, the BC believes that replacing the third-party with the HR Council is not a drastic change from the TLD Sponsor’s role, obligations, and commitments to the sponsored TLD Community.

Nevertheless, the BC recommends that ICANN Compliance monitor and evaluate the results of Proposed Amendment 1 once it is implemented, in order to ensure that the HR Council is performing its role as a truly independent policy delegate acting solely in the best interests of the Community, as expected and as required. The requirement that the Registry Operator annually certify to ICANN that the HR Council was able to perform its duties independently of the Registry Operator and in the interests of the Community, as set out in the Charter, will be of assistance in this regard. However, the BC recommends that the certification also be made by the HR Council itself, rather than the Registry Operator alone.

The BC also generally supports the proposed amendments to the Charter in connection with “Qualified Applicants” for second-level domains in the TLD. While the expansion of Qualified Applicants beyond those in the existing definition contained in the Charter appears to enable a less restrictive qualification criteria, the new requirement maintains the requirement that applicants be engaged in human resource management and is bolstered by the new requirement that applicants be supportive of the code of ethics in human resources management as exemplified by the Society for Human Resource Management. Accordingly, the BC views this change as providing some greater flexibility to the Sponsor while maintaining crucial qualifications for second-level domain name applicants. Nevertheless, the BC recommends that ICANN Compliance ensure that the relaxing of the qualifications do not erode or depreciate the crucial and required nature of the sponsored TLD.

Lastly, the BC supports the amendment to implement and bind the Registry Operator to the Registry Restrictions Dispute Resolution Policy (<https://www.icann.org/resources/pages/rrdrp-2014-01-09-en>) which enables third-party complainants to assert that they have been harmed as a result of the community-based gTLD registry operator not complying with the registration restrictions set out in the Registry Agreement. This

inclusion provides an additional and important means of ensuring that .JOBS will continue to be a community-focused TLD by enabling a “community objection”.

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This comment was drafted by Zak Muscovitch and was approved in accord with the BC Charter.

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