



June 28, 2013

VIA EMAIL (fadi.chehade@icann.org)  
AND FEDERAL EXPRESS

Mr. Fadi Chehadé  
Chief Executive Officer  
Internet Corporation for Assigned Names and Numbers  
12025 East Waterfront Drive  
Los Angeles, CA 90094

Re: Equal treatment of .halal and .kosher gTLD Applications

Dear Mr. Chehadé:

We are writing to you on behalf of leading kosher certification organizations the Union of Orthodox Jewish Congregations of America (OU Kosher), STAR-K Kosher Certification, Inc. (STAR-K), Chicago Rabbinical Council, Inc. (cRc), Kosher Supervision Service, Inc. (Kof-K), and The Kashruth Council of Canada (COR). The aforementioned organizations are responsible for certification of approximately 63% of kosher ingredients worldwide.

We were surprised and disappointed that the GAC, and ICANN in response, rightly raised concerns about the .halal gTLD application without raising those same concerns about the .kosher application. The purpose of this letter is to urge ICANN to afford equal treatment to these similarly situated cases and not to provide preferred treatment to one religious group over another.

The GAC Beijing Communiqué issued on April 11, 2013 included, in relevant part, the following advice to the ICANN Board:

The GAC recognizes that Religious terms are sensitive issues. Some GAC members have raised sensitivities on the applications that relate to Islamic terms, specifically .islam and .halal. The GAC members concerned have noted that the applications for .islam and .halal lack community involvement and support. It is the view of these GAC members that these applications should not proceed.

The .kosher gTLD application raises the same religious sensitivities referenced in the GAC Beijing Communiqué related to the .halal gTLD application. Therefore, it is appropriate for ICANN to provide equal treatment of the .halal and .kosher gTLD applications by denying both applications.



The Communications and Information Technology Commission of the Kingdom of Saudi Arabia has urged ICANN to deny the .halal gTLD application and provided public comments to ICANN indicating the following: “Halal . . . is a term designating any object or an action which is permissible to use or engage in, according to Islamic law. The term is used to designate food or actions deemed permissible according to Islamic law.”<sup>1</sup>

The word “kosher” is an adaptation of the Hebrew word meaning “fit” or “proper.” It refers to foodstuffs that meet the dietary requirements of Jewish Law. These dietary laws originate in the Bible and have been observed by Jews for more than 3,000 years. In contrast to the longstanding use of the word kosher by the undersigned kosher certification organizations, and the understanding of such usage by Jews from around the world, the .kosher gTLD application specifically states that the applicant intends to limit the registration and use of second-level .kosher domain names to use by only the applicant or those persons or entities that are affiliated with the applicant.<sup>2</sup>

The proposed operation of .kosher also violates the GAC’s Advice to the ICANN Board pertaining to both Restricted Access and Exclusive Access gTLDs.<sup>3</sup> The .kosher applicant has reserved the option of operating, without transparency and non-discriminatory registration policies, as a closed or highly restricted registry.<sup>4</sup> The application even brazenly describes in part the mission of the .kosher gTLD as promoting the applicant and its clients.

As with the .halal gTLD application identified in the GAC Communiqué, the .kosher gTLD application is comprised of a religious term and the application lacks legitimate community involvement and support. In accordance with ICANN’s longstanding commitment to rendering decisions objectively and fairly, and providing equal treatment of parties in equivalent positions, it is appropriate for ICANN to provide equal treatment of the .halal and .kosher gTLD applications by denying both applications.<sup>5</sup>

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<sup>1</sup> Comment of Abdulmjid, Communication and Information Technology Commission, Kingdom of Saudi Arabia, <https://gtldcomment.icann.org/applicationcomment/commentdetails/5923> (last visited May 15, 2013).

<sup>2</sup> Application 1-1013-67544, ¶ 18(b) (“Kosher Marketing Assets intends to limit registration of domains either for its exclusive use or for use by closely affiliated organizations in a manner that contributes to the purpose of this TLD.”).

<sup>3</sup> Similar to the .halal application, representatives of the kosher certification community were forced to pursue a community objection to the .kosher application. ICC Case No. EXP/424/ICANN/41.

<sup>4</sup> The .kosher applicant did not file a response to the GAC Advice. See <http://newgtlds.icann.org/en/applicants/gac-advice-responses>.

<sup>5</sup> See, e.g., ICANN Bylaws, § 2, ¶ 8 (“Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.”); gTLD Applicant Guidebook, Article 2.4.4 (“In the interests of fairness and equivalent treatment for all applicants...”); gTLD Applicant Guidebook, Article 5.4.2 (“ICANN’s Bylaws require ICANN to act in an open and transparent manner, and to provide equitable treatment among registry operators.”).



Sincerely,

*Kosher Supervision Service, Inc.*

By: 

Rabbi Ari Senter

*Union of Orthodox Jewish  
Congregations of America*

By: 

Rabbi Moshe Elefant

*STAR-K Certification Inc.*

By: 

Dr. Avrom Pollak

*Chicago Rabbinical Council*

By: 

Rabbi Sholem Fishbane

*Kashruth Council of Canada (COR)*

By: 

Rabbi S. Adler

cc: Dr. Stephen D. Crocker, Chairman of the Board (steve.crocker@icann.org)  
Mr. Cherine Chalaby, Chair, Board New gTLD Committee (cherine.chalaby@icann.org)  
Cyrus K. Namazi, Vice President, DNS Industry Engagement (cyrus.namazi@icann.org)  
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