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May 15, 2017

VIA E-MAIL

Arif H. Ali, Esq.
Dechert LLP
1900 K Street, NW
Washington, DC 20006-1110

Re: DotMusic Limited

Dear Arif:

I write to provide you with a status update on Reconsideration Request 16-5 (Request 16-5) filed by DotMusic Limited (DotMusic) in response to the questions that you have raised to ICANN including in your correspondence to the ICANN Board, the Board Governance Committee (BGC), and/or the President and CEO of ICANN.¹

Request 16-5 was filed on 24 February 2016, seeking reconsideration of the community priority evaluation (CPE) of DotMusic's application for the .music string. On 1 April 2016, DotMusic submitted a request for documentary information through ICANN's Documentary Information Disclosure Policy (DIDP) and requested that the BGC's consideration of Request 16-5 be continued pending ICANN's response to the DIDP request. On 15 May 2016, ICANN responded to DotMusic's DIDP request.² On 30 May 2016, DotMusic filed a separate reconsideration request (Request 16-7) regarding ICANN's response to DotMusic's DIDP Request.³ On 26 June 2016, the BGC denied Request 16-7.⁴ On 17 September 2016, DotMusic conducted a telephonic presentation to the BGC regarding Request 16-5. Between September

¹ See letter from A. Ali to ICANN Board and Göran Marby, 30 Jan. 2017, *available at* <https://www.icann.org/en/system/files/correspondence/ali-to-marby-bgc-30jan17-en.pdf> and letter from A. Ali to BGC and Göran Marby, 28 Apr. 2017, *available at* <https://www.icann.org/en/system/files/correspondence/ali-to-marby-28apr17-en.pdf>.

² See <https://www.icann.org/en/system/files/files/didp-20160429-1-dotmusic-response-supporting-docs-15may16-en.pdf>.

³ See <https://www.icann.org/en/system/files/files/reconsideration-16-7-dotmusic-request-redacted-30may16-en.pdf>.

⁴ See <https://www.icann.org/en/system/files/files/reconsideration-16-7-dotmusic-bgc-determination-26jun16-en.pdf>.

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and December 2016, DotMusic submitted five supplemental materials in support of Request 16-5.⁵

The Board has recently discussed certain concerns that some applicants have raised with the CPE process, including issues that were identified in the Final Declaration from the Independent Review Process (IRP) proceeding initiated by Dot Registry, LLC. The Board has directed the President and CEO to undertake a review of various aspects of the CPE process.⁶ The details of this review are discussed in the 26 April 2017 letter from Chris Disspain, Chair of the BGC, to DotMusic, among others.⁷ A copy of Mr. Disspain's letter has been published on the ICANN correspondence page⁸ and on the Reconsideration page under Request 16-5.⁹ As Mr. Disspain explained in his letter, the CPE review is currently underway and will be completed as soon as practicable. The Board's consideration of Request 16-5 is currently on hold pending completion of the review. Once the CPE review is complete, the Board will resume its evaluation of Request 16-5, and will take into consideration all relevant materials.

Your letter of 30 January 2017 references the timing requirements for the Board's consideration of Reconsideration Requests prescribed by the Bylaws and posits that the Board's consideration of Request 16-5 has been delayed past the prescribed time. The Bylaws in effect at that time that Request 16-5 was filed provides that "[t]he Board shall issue its decision on the recommendation of the Board Governance Committee within 60 days of receipt of the Reconsideration Request or as soon thereafter as feasible. Any circumstances that delay the Board from acting within this timeframe must be identified and posted on ICANN's website."¹⁰ The circumstances that have delayed the Board's consideration of Request 16-5, which are described above, have been identified and posted on ICANN's website and on the

⁵ See <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-ethnomusicologist-opinion-burgess-redacted-12sep16-en.pdf>, <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-to-icann-bgc-17sep16-en.pdf>, <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-to-icann-bgc-19sep16-en.pdf>, <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-joint-organisation-opinion-redacted-11oct16-en.pdf>, and <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-to-icann-bgc-06dec16-en.pdf>.

⁶ See <https://www.icann.org/resources/board-material/resolutions-2016-09-17-en#1.a>.

⁷ See letter from Chris Disspain to All Concerned, 26 Apr. 2017, *available at* <https://www.icann.org/en/system/files/correspondence/disspain-letter-review-new-gtld-cpe-process-26apr17-en.pdf>.

⁸ See *id.*

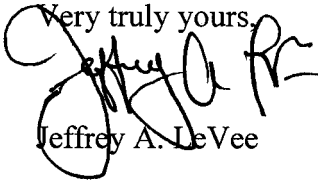
⁹ See <https://www.icann.org/resources/pages/reconsideration-16-5-dotmusic-request-2016-02-25-en>.

¹⁰ ICANN Bylaws, Art. IV, Section 2.17, effective 11 Feb. 2016, *available at* <https://www.icann.org/resources/pages/bylaws-2016-02-16-en#IV>.

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Reconsideration page under Request 16-5.¹¹ As stated in Mr. Disspain's 26 April letter, the Board will resume its consideration as soon as feasible once the CPE review is complete.¹²

With respect to the questions that you pose on pages 3-4 of your 28 April 2017 letter regarding the CPE review, we note that the same questions were submitted to ICANN's DIDP by DotMusic on 5 May 2017 and will be addressed as part of ICANN's response to the DIDP in due course.

Very truly yours,

Jeffrey A. LeVee

cc: John O. Jeffrey
General Counsel and Secretary
ICANN

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¹¹See letter from Chris Disspain to All Concerned, 26 Apr. 2017, available at <https://www.icann.org/en/system/files/correspondence/disspain-letter-review-new-gtld-cpe-process-26apr17-en.pdf>; and <https://www.icann.org/resources/pages/reconsideration-16-5-dotmusic-request-2016-02-25-en>.

¹²See letter from Chris Disspain to All Concerned, 26 Apr. 2017, available at <https://www.icann.org/resources/pages/reconsideration-16-3-dotgay-request-2016-02-18-en>.