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THE RECORDING ACADEMY®

GRAMMYS ON THE HILL®
ADVOCACY & INDUSTRY RELATIONS

April 24, 2015

Re: Support for .MUSIC community-based applicants with copyright protection provisions, enhanced safeguards for music-themed gTLDs and .MUSIC CPE

Dear ICANN Board of Directors and Economist Intelligence Unit (“EIU”):

I am writing on behalf of the National Academy of Recording Arts and Sciences (“The Recording Academy”) to express our support for the .MUSIC community applications and reiterate the importance of including strong copyright protections in the gTLD process. The Recording Academy, internationally known for the GRAMMY Awards, is a trade organization of musicians, songwriters, producers, engineers and recording professionals that is dedicated to improving the cultural condition and quality of life for music and its makers. The Recording Academy is responsible for groundbreaking professional development, cultural enrichment, advocacy, education and human services programs. The Recording Academy has no company or institutional members. Accordingly, it is the only organization that advocates for all individual music creators: songwriters, performers, and studio professionals.

First, The Recording Academy affirms its support for the positions expressed in the global music community coalition letter¹ sent by Victoria Shekler to ICANN on March 5, 2015 that a vibrant and innovative Internet ecosystem requires meaningful copyright protection. As noted in that letter, “we expect...the community application process...to have meaning and for the community preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind ” and for ICANN “to expeditiously implement appropriate changes to address” concerns related to the protection of intellectual property.

Music creators – songwriters, performers, and studio professionals – invest their time, energy, talent, and resources into creating music. They deserve to reap a financial return for their work and to have the assurance of recognized and enforceable property rights. Without music and the attendant property rights of the creator, artistic creativity would be restricted and diminished, depriving all of society of the cultural and economic enrichment that music provides. Music rights and safeguards mean nothing in practice without institutional commitment and support. Copyright law may vary by jurisdiction, but its assumptions are the same: without proper legal infrastructure and safeguards providing the legal underpinning, music, and by extension, culture and the world economy, would be damaged irreparably.

¹ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

Second, The Recording Academy supports the remaining .MUSIC community applications because respecting and protecting music rights serves both the global music community and the public interest. The Recording Academy believes that all community applications contain copyright protection provisions and Enhanced Safeguards to protect intellectual property. These protections include:

- 1) Policies to stop domain hopping, takedown policies in the case of piracy, authorization provisions, permanent blocks, privacy/proxy provision, true name/address mandates and trusted sender complaint policies amongst others.
- 2) Governance structures that enable fair representation of all music constituents
- 3) Restricting "Eligibility" to members of the global Music Community.
- 4) Inclusion of provisions that enable a fair, responsible and non-discriminatory allocation of domains to eliminate cybersquatting of famous music brands and to ensure all music-related rights holders can claim their domains.
- 5) Restricting "Content and Use" of .MUSIC domains to only music-related legal content and limiting usage on .MUSIC domains to only music-related legitimate activities.
- 6) Incorporating both proactive and reactive "Enforcement" measures.

Only .MUSIC community applications, with appropriate safeguards and measures to counter copyright infringement, will best be able to serve the legitimate interests of the global music community and global public interest.

Last, The Recording Academy hopes that provisions in all ICANN contracts concerning abuse relating to music-themed top-level domains will be followed with full compliance. All contractual standards must be interpreted appropriately, diligently and responsibly. As expressed in other letters by the music community, compliance will serve the global public interest and protect consumers. The new gTLD Program thus far has not fully met its standards to ensure a safe, secure and trusted Internet ecosystem and needs to fulfill such reasonable expectations. Thank you for your consideration.

Sincerely,



Todd Dupler
Director of Government Relations
Advocacy & Industry Relations
The Recording Academy

Cc: Dr. Steve Crocker, Chairman of the ICANN Board
Fadi Chehadé, ICANN President and CEO
Akram Attallah, ICANN President of Generic Domains Division
Christine Willett, ICANN Vice-President of gTLD Operations
Cherine Chalaby, ICANN Chair of the New gTLD Committee
Thomas Schneider, ICANN Chair of Government Advisory Committee
Cyrus Namazi, ICANN Vice-President of DNS Engagement; and
John Jeffrey, ICANN Secretary and General Counsel